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98TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
No. 98-559

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 12 CONCERNING ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT HOUSE OF REPRESENTATIVES

NOVEMBER 17, 1983.—Referred to the House Calendar and ordered to be printed

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LETTER OF SUBMITTAL

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., November 17, 1983.

Hon. Thomas P. O'Neill, Jr.
The Speaker,
U.S. House of Representatives, Washington, D.C.

Dear Mr. Speaker: Pursuant to House Resolution 12 of the 98th Congress, I herewith submit the attached Report from the Committee on Standards of Official Conduct.

Sincerely,

Louis Stokes, *Chairman.*

98TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
No. 98-559

REPORT ON THE INVESTIGATION PURSUANT TO HOUSE RESOLUTION 12 CONCERNING ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

NOVEMBER 17, 1983.—Referred to the House Calendar and ordered to be printed

Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

I. INTRODUCTION

On July 13, 1982, the House agreed to House Resolution 518. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of:

> (1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;
>
> (2) illicit use or distribution of drugs by Members, officers, or employees of the House; and
>
> (3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

H. Res. 518, 97th Cong., 2d Sess. (1982).

The Special Counsel today filed his final report with this Committee setting out the results of his investigation into alleged illicit use or distribution of drugs by Members, officers, or employees of the House. The Committee has approved his report, and it is attached as an Appendix to this Report.

II. THE INVESTIGATION

This Committee and the Special Counsel carried out the investigation under H. Res. 518, 97th Cong., 2d Sess., and H. Res. 12, 98th Cong. 1st Sess., in four stages.

First, on December 14, 1982, the Special Counsel filed his Interim Report setting out the results of the Special Counsel's investigation of allegations of sexual misconduct made by two former House pages. Second, on May 18, 1983, the Special Counsel filed his report setting out the results of his review of certain narcotics investigations carried out by the Capitol Police. Third, on July 14, 1983 the Special Counsel filed his Final Report on allegations of illegal or improper sexual conduct by Members, officers or employees of the House. Based on findings and recommendations of the Special Counsel with regard to alleged illegal or improper sexual conduct, the Committee issued Reports and made recommendations to the House concerning Representative Gerry Studds and Representative Daniel Crane. The House of Representatives censured these two Members on July 20, 1983. 129 Cong. Rec. H5288, H5295. Also based on the findings and recommendations of the Special Counsel, the Committee issued a Statement of Alleged Violation in the case of Majority Chief Page James Howarth, found that Mr. Howarth had engaged in sexual relations with a 17-year-old female page under his direct supervision, and recommended to the House that Mr. Howarth be dismissed. Mr. Howarth has since resigned.

Today the Special Counsel has concluded the fourth and final stage of the Committee's investigation under H. Res. 518 and H. Res. 12. The Special Counsel's final report responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations based on the investigation that has been conducted into alleged illicit use or distribution of drugs by Members, officers or employees of the House.

With the submission of this Report to the House, the Committee believes it has completed the charge given to it by the House in H. Res. 518 and H. Res. 12.

III. FINDINGS BY SPECIAL COUNSEL

Pursuant to H. Res. 518 and H. Res. 12, the Special Counsel's investigation focused on three related sets of allegations involving activities that allegedly occurred between 1980 and 1982: (1) that a cocaine or narcotics "ring" was operating on Capitol Hill; (2) that as many as 15 Members were involved with or had purchased drugs from such a distribution network; and (3) that employees or pages were used to purchase narcotics for Members or professional staffers on the Hill.

In addition to investigating these three sets of allegations, to assure the completeness of the investigation, the Special Counsel also investigated all allegations received by the Committee of use or distribution of drugs by Members, officers, or employees of the House within the Capitol enclave. The Special Counsel also examined allegations of drug use or distribution off Capitol Hill if the use or distribution was alleged to have been in any way connected to House activities.

In the 16 months since July, 1982, the Special Counsel conducted an exhaustive investigation of the allegations received by the Committee concerning distribution and use of drugs on Capitol Hill. Based on his investigation, the Special Counsel reported to this Committee that he reached the following conclusions:

First, the Special Counsel found there was insufficient evidence to conclude that any of the allegations concerning use or distribution of drugs on Capitol Hill by current Members of the House were true. In particular, the Special Counsel found that the evidence was unsufficient to justify issuance of a Statement of Alleged Violation against either Representative Ronald Dellums of California or Representative Charles Wilson of Texas.

Second, the Special Counsel found there was substantial evidence that three former Members of the House either purchased or used illicit drugs (cocaine or marijuana) while they were Members during the years 1978 to 1982. In accordance with the consistent policy of the House not to take action against former Members, the Special Counsel did not pursue an investigation of these individuals.

Third, the Special Counsel found no evidence of an organized drug distribution organization operating on Capitol Hill in which congressional employees or pages were used as couriers or intermediaries.

The Special Counsel did find evidence that Douglas Marshall, Robert Finkel and Troy Todd were each engaged at various times during the period 1978–1982 in the distribution of cocaine and other drugs in the District of Columbia. The evidence showed that over a four year period, 1978–82, Messrs. Marshall and Finkel sold cocaine and other drugs to some 14 Senate employees and five House employees. Some of these customers may have resold drugs to others employed on the Hill. All evidence with respect to drug use by Senate employees has been turned over to the Senate Select Committee on Ethics.

The Special Counsel, however, found no evidence that Marshall, Finkel, or Todd used Capitol Hill employees to distribute drugs, or that such employees were employed by or used by Marshall, Finkel, or Todd to make their drug sales.

Moreover, the Special Counsel reported that Marshall, Finkel and Todd all testified that they did not sell cocaine or any other drugs to any current Member of the House, and the Special Counsel found no evidence of any such sales by the three. The Special Counsel reported that Marshall testified that he sold cocaine to one Representative, in 1979 or 1980, who is no longer a Member of the House, and that Finkel and Todd testified that they did not sell drugs to any current or former Member of the House.

Fourth, the Special Counsel reported that he obtained evidence of drug use and distribution on the part of some House employees.

In the course of this investigation, the Special Counsel recommended and the Committee voted six preliminary inquiries. The Committee has filed its report on James Howarth with the House and that case is now concluded. The preliminary inquiries voted against Robert Yesh and James Beattie terminated with their resignations. The Special Counsel found that in the three remaining cases—one involving Representative Dellums and two involving House staff members—the evidence developed in the course of the investigation did not provide sufficient basis for the Committee to vote to issue a Statement of Alleged Violation.

III. RECOMMENDATIONS BY THE SPECIAL COUNSEL AND ACTION BY THE COMMITTEE

A. Representative Dellums

For the reasons set out in his report, the Special Counsel recommended to the Committee that it not issue a Statement of Alleged Violation against Representative Dellums. Based on the Special

Counsel's recommendation, the Committee decided to take no further action with respect to Representative Dellums.

B. Representative Wilson

For the reasons set out in his report, the Special Counsel recommended to the Committee that it not issue a Statement of Alleged Violation against Representative Wilson. Based on the recommendation of the Special Counsel, the Committee decided to take no further action with respect to Representative Wilson.

C. Other preliminary inquiries

For the reasons set out in his report, the Special Counsel recommended that the Committee not issue a Statement of Alleged Violation in the case of two employees who were the subjects of Preliminary Inquiries. Based on the recommendation of the Special Counsel, the Committee decided to take no further action in those two cases.

D. House employees

For the reasons set out in his report, the Special Counsel recommended to the Committee that two steps be taken with respect to evidence obtained of drug use by current employees of the House:

First, the Special Counsel recommended that the Committee turn over to the immediate supervisor any evidence of drug use and distribution by an employee which might warrant disciplinary action. In the case of the personal staff of a Member, the material would be made available to the Member; in the case of Committee staff, the material would be made available to the Committee Chairman; in the case of employees in the Doorkeeper's office, the material would be made available to the Doorkeeper.

Second, the Special Counsel recommended that the Committee take measures to assure that the Justice Department is aware of all evidence of illegal drug use and distribution developed by the Special Counsel in the course of this investigation. The Department would then be in a position to request from the Committee any evidence it feels would be relevant to its law enforcement responsibilities.

The Committee accepted these recommendations and directed the Special Counsel to take the steps necessary to carry out his recommendations.

E. Other recommendations

Based on the investigation that has been carried out, the Special Counsel also made the following recommendations:

1. The House leadership should assure that the capacity exists—either within the Capitol Police or from another law enforcement agency—to carry out criminal investigations, including drug investigations, on Capitol Hill.
2. The House should establish employee assistance programs to provide counseling and guidance to employees who have drug or alcohol problems.
3. The House should establish fair and effective procedures for disciplining and discharging employees accused of misconduct.

The Committee endorses the Special Counsel's recommendation with respect to criminal investigations on Capitol Hill and employee assistance programs, and authorizes the Special Counsel to forward those recommendations to the House leadership for consideration. In regard to the recommendations relating to employee disciplinary procedures, the Committee has requested its permanent staff to examine the recommendation and report back to the Committee.

STATEMENT UNDER CLAUSE 2 OF RULE XI

The Committee's oversight findings and recommendations are as stated above.

No budget statement is submitted.

This report was adopted by a vote, yeas-10—nays-0, on November 17, 1983.

APPENDIX

FINAL REPORT OF THE SPECIAL COUNSEL TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON THE INVESTIGATION INTO ALLEGATIONS OF ILLICIT USE OR DISTRIBUTION OF DRUGS UNDER H. RES. 518, 97TH CONGRESS, AND H. RES. 12, 98TH CONGRESS

SECTION I: INTRODUCTION AND SUMMARY

On April 19, 1982, undercover officers of the Washington, D.C. Metropolitan Police Department, and the Justice Department's Drug Enforcement Administration purchased eight ounces of cocaine for $15,000 from three men at a northwest Washington residence. The officers arrested Douglas Marshall, Robert Finkel, and Troy Todd, and charged Marshall and Finkel with distributing and conspiring to distribute cocaine. Todd was charged with conspiracy to distribute cocaine. The police seized a large amount of cocaine at the time of the arrest.

In mid-June, the news media began to report allegations associated with the arrest of Marshall, Finkel and Todd. On June 18, 1982, the Associated Press wire carried this story, from "sources who declined to be identified":

> A joint federal-city task force is investigating allegations of a cocaine ring which supplied congressional employees on Capitol Hill, law enforcement sources say.
>
> The sources, who declined to be identified, said this week that Robert A. Finkel, 30, has begun cooperating with a federal grand jury and has started to name people he says he supplied with cocaine.
>
> The grand jury recently issued subpoenas in its expanding probe of the case, the sources said.
>
> According to the sources, Finkel has said he supplied cocaine to one assistant Capitol Hill doorkeeper, at least one Senate page and an employee of one congressional office.
>
> The case begain with the arrest last April of Finkel and two other men in northwest Washington on cocaine distribution charges, the sources said.

The following morning, June 19, 1982, the Washington Post reported:

> A federal grand jury here is probing allegations that a drug ring used a network of Capital Hill aides to distribute high quality cocaine to government offices there, according to sources familiar with the investigation.

* * * * * * *

> The drugs allegedly were distributed by Capitol Hill aides who work at jobs such as tour guides, pages and on the staff of the House doorkeeper, sources said.

On June 30, 1982, the CBS Evening News broadcast charges of two former House pages that they had been victims of sexual misconduct by Members of Congress. (For the Special Counsel's determination of the falsity of those charges, see Appendix A). CBS News further reported that one of the pages made claims of drug abuse among pages.

> In a two hour interview with the FBI, the page also told about drug abuse among pages, specifically in cocaine. The Drug Enforcement Administration is currently investigating similar charges on Capitol Hill.
>
> * * * * * * *
>
> Earlier this year, a Capitol Police Investigation turned up information about drug use and what one police source called "other irregularities" between congressmen and pages.

The stories of the "page sex and drug scandal" were linked with the earlier and continuing story of the investigation of an alleged "cocaine ring." On July 1, 1982, columnist Jack Anderson, appearing on ABC News Nightline, stated that pages and congressional aides acted as couriers and that "some of the same people" were involved in the "sex scam."

> DONALDSON. All right, Jack, tell us about the page setup. Did you actually catch some pages involved as couriers?
>
> Mr. ANDERSON. There were some pages involved, but the drug scam, which we started, changed into a sex scam later. I know very little about the sex angle of it except that the same people were involved. Some of the same people.
>
> DONALDSON. But pages were acting as couriers for the dealing of drugs?
>
> Mr. ANDERSON. That's correct. And so were congressional aides . . .

On July 2, 1982, the CBS Evening News reported that one of its correspondents had received "uncorroborated" information that "the names of 12 Congressmen have been mentioned as alleged purchasers of cocaine from a group of 8 pages, elevator operators and tour guides said to be running drugs."

That same evening, NBC News reported:

> Authorities believe Marshall ran a network of elevator operators, doorkeepers and tour guides, who allegedly delivered cocaine to Congressional offices.

On July 5, 1982, the CBS Evening News televised a report "that California Republican Robert Dornan allowed narcotics agents to use his office as a base for an undercover investigation of cacaine trafficking in the Capitol Hill area." The CBS news broadcast continued with these reports from unidentified sources:

> Sources say the intelligence information from the undercover operation led directly to the arrest at this house in April of former congressional page Douglas Marshall and two associates, Robert Finkel and Troy Todd. Police say they were involved in selling cocaine on Capitol Hill and doing business through a series of runners, who delivered drugs to Capitol Hill offices, including those of congressmen.
>
> At least five of the suspected runners have been subpoenaed. Sources say two have testified before the grand jury. Sources also say the runners have told investigators that they have personally delivered cocaine to the offices of about a dozen congressmen. There is also a direct allegation of delivery to at least one Senator. Dornan says he did not know who narcotics agents were targeting, but felt because of this committee assignment, he had to become involved.

As part of the CBS News report, Representative Dornan appeared on camera and affirmed his role in the undercover operation.

Two days later, on July 7, 1982, Representative Dornan sent a letter to the House Select Committee on Narcotics Abuse and Control, stating:

> The intelligence gathered through the time period leading up to the three arrests of the D.C. cocaine distributors have [sic] uncovered names of nine Members of Congress (each named by at least three sources) and at least half a dozen others have surfaced. The nine Members listed by investigative sources number three Congressmen from California, one Congressman from New York, one Congressman from Massachusetts, one Congressman from a state in the D.C. metropolitan area, one Senator and two former Congressmen. As of this writing a number of Congressional employees have been subpoenaed in conjunction with this investigation.

That same day, July 7, 1982, Jack Anderson, citing Representative Dornan's letter, reported in a "special release" to subscribers to his column:

> More than 15 members of Congress were customers of a cocaine ring that operated on Capitol Hill, the ringleaders have told narcotics agents. Nine of the accused legislators have been identified by at least three drug peddlers.

Against this background, on July 13, 1982, the House of Representatives, by a 407 to 1 vote, passed House Resolution 518, which authorized and directed the Committee on Standards of Official Conduct to "conduct a full and complete inquiry and investigation" into allegations of:

> (2) illicit use or distribution of drugs by Members, officers, or employees of the House, and
>
> (3) the offering of preferential treatment by Members, officers or employees of the House in exchange for . . . [drugs].

H. Res. 518, 97th Cong., 2d Sess. (1982).

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as Independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment is required and to advise the Committee of his findings and recommendations." The Speaker, the Majority Leader, and the Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member, Floyd Spence, in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made."

On January 3, 1983, the House agreed to House Resolution 12, 98th Cong., 1st Sess., which authorized and directed the Committee to continue and complete the investigation begun pursuant to H. Res. 518.

This report is the final report of the Special Counsel. It completes the investigation under H. Res. 518 and H. Res. 12, and sets out the results of the Special Counsel's 16-month investigation into allegations of illicit use or distribution of drugs by Members, officers or employees of the House.

The Special Counsel previously reported to the Committee on three occasions:

> On December 14, 1982, the Special Counsel issued an Interim Report, setting forth his initial findings regarding allegations of sexual misconduct involving pages by Members, officers and employees of the House. (Appendix A)
>
> On May 18, 1983, the Special Counsel reported to the Committee the results of his investigation into the conduct of certain narcotics investigations by the United States Capitol Police. (Appendix B)
>
> On July 14, 1983 the Special Counsel issued his final report with regard to alleged illegal or improper sexual conduct by Members, officers or employees of the House. (Appendix C)

Throughout this investigation, the Committee and the House have supported a vigorous and searching investigation. There are few, if any institutions that would subject themselves to the kind of public scrutiny and investigation that the House of Representatives has.

> This investigation pursued allegations of sexual misconduct involving pages leading to the censure of two Members of the House (Appendices D and E) and the Committee's recommendation that the House dismiss the Majority Chief Page. (Appendix F)
>
> This investigation obtained the first evidence leading to the discovery of the drug activities of Robert Yesh and James Beattie.

> This investigation followed aggressively the leads provided by Yesh and Beattie to identify other House employees engaged in illicit drug use and distribution.
>
> This investigation deposed Marshall, Finkel, and Todd to identify still other House employees engaged in drug use or distribution.

This final report responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations based on the investigation that has been conducted into alleged illicit use or distribution of drugs by Members, officers or employees of the House. This report sets out (1) the investigative work completed with respect to allegations involving illicit use or distribution of drugs, (2) the findings and conclusions of the Special Counsel regarding this work, and (3) the recommendations of the Special Counsel on actions the Committee should take. The Special Counsel recommends that the Committee make this report public.

The Special Counsel has conducted an exhaustive investigation of the allegations received by the Committee concerning distribution and use of drugs on Capitol Hill. Throughout this investigation, the Committee and the House have provided the resources necessary to pursue the investigation thoroughly and have fully supported the independence of the investigation.

Pursuant to H. Res. 518 and H. Res. 12, the Special Counsel's investigation focused on three related sets of allegations involving activities that allegedly occurred between 1980 and 1982: (1) that a cocaine or narcotics "ring" was operating on Capitol Hill; (2) that as many as 15 Members were involved with or had purchased drugs from such a distribution network; and (3) that employees or pages were used to purchase drugs for Members or professional staffers on the Hill.

In addition to investigating these three sets of allegations, to assure the completeness of the investigation, the Special Counsel also investigated all allegations he received of use or distribution of drugs by Members, officers, employees or pages of the House within the Cpaitol enclave. The Special Counsel also examined allegations of drug use or distribution off Capitol Hill if the use or distribution was alleged to have been in any way connected to House activities, for example, at staff parties or on official trips.

The investigation carried out by the Special Counsel and this Committee has been wide-ranging. We sought out numerous present and former members of the House, hundreds of present and former congressional staff members, hundreds of past and present congressional pages, dozens of individuals who supervised and taught those pages, and many other individuals with knowledge about the allegations received by the Special Counsel. We reviewed hundreds of pages of investigative reports from the Department of Justice and local police. In carrying out this investigation, the Special Counsel's office has conducted some 1,000 interviews, issued 168 subpoenas for testimony and documentary evidence, taken more than 160 depositions covering more than 6,000 transcript pages, travelled more than 100,000 miles to more than 50 cities, and devoted almost 70,000 hours of staff time to the investigation.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Based on this investigation, the Special Counsel has reached the following conclusions:

First, there is insufficient evidence to conclude that any of the allegations concerning use or distribution of drugs on Capitol Hill by current members of the House are true. In particular, the Special Counsel finds that the evidence is insufficient to justify issuance of a Statement of Alleged Violation against either Representative Ronald Dellums of California or Representative Charles Wilson of Texas, and recommends that the Commitee not issue any such Statement.

Second, there is substantial evidence that three former members of the House purchased and/or used illicit drugs (cocaine and marijuana) on Capitol Hill while they were Members during the years 1978 to 1982. In accord with the House's and the Committe's practice not to investigate or discipline former members, the Special Counsel has not pursued an investigation of these matters.

Third, based on the evidence and on their own testimony in depositions taken by the Special Counsel, Douglas Marshall, Robert Finkel and Troy Todd were each engaged at various times during the period 1978-1982 in the distribution of cocaine and other durgs in the District of Columbia.

Fourth, there is evidence that, over the years 1978 through 1982, Messrs. Marshall and Finkel sold cocaine and other durgs to at least 14 Senate employees and five employees of the House. Some of these customers may have resold drugs to others employed on the Hill. Finkel testified that he had observed substantial drug use among non-professional employees in the Senate, such as tour guides and elevator operators, while he was a Senate employee between August 1978 and June 1979. Senate employees are not within the jurisdiction of the House Committee, and all evidence with respect to drug use by Senate employees has been turned over to the Senate Ethics Committee.

Fifth, the Special Counsel found no evidence that Marshall, Finkel or Todd used Capitol Hill employees to distribute drugs, or that such employees were employed by or used by Marshall, Finkel, or Todd to make their drug sales.

Sixth, Messrs. Marshall, Finkel, and Todd testified that they did not sell cocaine or any other drugs to any current Member of the House, and the Special Counsel found no evidence of any such sales by the three. Marshall testified that he sold cocaine to one Representative, who is no longer a Member of the House, and the evidence supports his testimony. Finkel and Todd testified that they did not sell drugs to any former Member of the House.

Seventh, based on the evidence and their own admissions, Robert Yesh and James Beattie, both employees of the Doorkeeper of the House, distributed illegal narcotics within the House to other House employees. These two individuals resigned their positions after coming under investigation by the Special Counsel. Yesh has since been convicted of two violations of the federal narcotics laws. Beattie has pleaded guilty to two federal narcotics violations. The Special Counsel has uncovered evidence that up to seven other current employees of the Doorkeeper's office have been involved in illegal drug activities. The Special Counsel recommends that the Committee provide this evidence to the Doorkeeper of the House so that he may take appropriate and prompt action.

Eighth, the Special Counsel has obtained evidence that up to 11 current employees of the House have been or are currently involved in illegal drug activity. The Special Counsel recommends that in each case the evidence respecting these individuals be provided to their immediate employer—to the individual Member involved in the case of personal staff employees or the Committee Chairman and Ranking Minority Member in the case of Committee staff employees—so that the immediate employer may take appropriate and prompt action.

Ninth, the Special Counsel finds substantial evidence that several pages during the 1978-1982 period used marijuana on and off Capitol Hill, in their apartments and at social gatherings, and on some occasions used cocaine or pills as well.

Tenth, the Special Counsel recommended and the Committee voted six preliminary inquiries during the course of this drug investigation. The Committee has filed its report on James Howarth with the House and that case is now concluded. The preliminary inquiries voted against Robert Yesh and James Beattie terminated with their resignations. The Special Counsel recommends that the Committee not proceed in the three remaining preliminary inquiry cases involving Representative Dellums and two House staff members, because the evidence developed in the course of this investigation does not provide sufficient "reason to believe that the violation occurred," the standard which must be met under Rule 11(b) of the Committee's Rules of Procedure before the Committee may properly vote to issue a Statement of Alleged Violation.

Eleventh, the Special Counsel recommends that the evidence developed in the course of his investigation regarding drug use and distribution be reviewed with the Justice Department to assure that the Department is on notice about that information and to allow the Department to request from the Committee any evidence that the Department believes is material to its law enforcement duties.

Twelfth, based on the investigation that has been carried out, the Special Counsel recommends that the Committee make the following recommendations to the full House:

> The House should establish employee assistance programs to provide counseling and guidance to employees who have drug or alcohol problems.
>
> The House should establish simple and efficient procedures for disciplining and discharging employees accused of misconduct.
>
> The House leadership should assure that the capacity exists—either within the Capitol Police or from another law enforcement agency—to carry out criminal investigations, including drug investigations, on Capitol Hill.

The recommendations and conclusions of the Special Counsel are based on the findings set out in detail in the report. The major findings made by the Special Counsel are, in summary, as follows:

Marshall/Finkel/Todd activities

Troy Todd, Douglas Marshall, and Robert Finkel all distributed drugs in the Washington, D.C. area between 1978 and 1982. Marshall and Finkel both obtained drugs from Todd as well as from other sources and at one point Marshall assisted Todd in Todd's drug distribution business. Each of the three sold drugs to their own clientele. Marshall had been a House page from 1971 to 1973. Finkel had been a Senate employee during 1978 and 1979. Marshall and Finkel both sold cocaine to employees of the House and Senate during 1978 to 1982, and the Special Counsel obtained detailed information on their customers and the extent of their sales to those coustomers. Some of their customes are still House and Senate employees. In sworn testimony, Marshall, Finkel and Todd, as well as Devon Dupres who at different times was a girlfriend of Marshall and of Todd, denied allegations that they had developed an organized network of tour guides, pages and other Capitol Hill employees to distribute drugs on Capitol Hill.

Allegations against Members and origins of these allegations

Allegations of illegal drug activity involving fourteen current and former Members of the House of Representatives came to the attention of the Special Counsel.

Five of the fourteen are no longer Members of the House. In accord with the practice of the House, the Special Counsel did not investigate them, although he found substantial evidence that three of the five purchased and/or sold cocaine and marijuana while they were Members during the years 1978 to 1982.

The Special Counsel examined the allegations concerning each of the nine current Members. In seven of the nine cases, the Special Counsel finds the charges to be mere speculation and hearsay, without evidentiary support. Each of the seven Members filed affidavits denying any drug-related activities on Capitol Hill. With respect to the other two, Representative Charles E. Wilson of Texas and Representative Ronald V. Dellums of California, the Special Counsel found there was insufficient evidence to issue a Statement of Alleged Violation.

Because of the extensive media coverage given to allegations of widespread drug use among Members of Congress on Capitol Hill, the Special Counsel sought to determine the basis of these stories. The Special Counsel found that columnist Jack Anderson, District of Columbia Metropolitan Police Department Detective Michael Hubbard and then Representative Robert Dornan of California, each in pursuit of his own objectives, each practicing his profession as he saw it, connected in 1982 to spawn a series of accusations and reports about illegal drug activity by up to 15 Members of the House.

As set forth in detail in Section V. A., the Special Counsel found that these allegations of drug use by Members followed a circular route: Anderson's employees had passed the names to Hubbard; Hubbard has passed them to Dornan; Dornan had passed them on by his pronouncements; and finally Anderson made the names public citing Hubbard and Dornan.

Representative Dellums

The Committee voted on March 15, 1983 to open a Preliminary Inquiry into allegations of drug use and purchase by Representative Dellums and his Special Assistant John Apperson. The Committee acted on the basis of sworn aqcusations by Robert Yesh, a House employee, that he had sold marijuana and cocaine to Representative Dellums and Apperson on a number of occasions in the Capitol, including one sale of cocaine on the floor of the House. The Special Counsel interviewed more than 75 witnesses and deposed 18 individuals. The Justice Department conducted a "complete investigation" of those allegations and provided the Special Counsel with all "non-privileged" materials obtained in the course of that investigation. The Department "determined that there is insufficient admissable, credible evidence to support criminal charges against Representative Dellums." The Special Counsel's investigation did not develop any corroboration of Yesh's allegations. While Yesh passed three lie detector tests, Yesh made his allegations in the context of a plea bargain with federal prosecutors; has been an alcoholic for several years; and has been unable to recall any details about the timing of the transactions he described—including an inability to recall the year in which they occurred. Representative Dellums denied Yesh's allegations in a letter to which he attested in a notarized statement. Based on this record, the Special Counsel finds that the evidence is insufficent to justify the issuance of a Statement of Alleged Violation and recommends that the Committee not issue such a Statement against Representative Dellums.

Representative Wilson

The Special Counsel received allegations that Representative Charles E. Wilson of Texas used and purchased cocaine on a trip in 1980 to Las Vegas, Nevada and on two trips in 1980 to the Grand Cayman Islands. The Special Counsel also received allegations that Representative Wilson used marijuana in private residences in Washington, D.C.

The Special Counsel investigated the allegations relating to Representative Wilson to determine if any of the alleged drug activities related in any way to the House of Representatives.

The Special Counsel interviewed 30 witnesses and deposed 10 individuals in the course of his investigation. In addition, the Justice Department undertook an investigation of the allegations relating to Representative Wilson. The Department concluded that "in addition to jurisdictional problems with respect to some of these allegations, there is insufficient admissible, credible evidence to support criminal charges against Representative Wilson." The Department made "all non-privileged materials" obtained in its investigation available to the Special Counsel.

Based on the results of his own investigation and the Justice Department's investigation, the Special Counsel recommends that the Committee not issue any Statement of Alleged Violation against Representative Wilson. With respect to four of the five allegations against Representative Wilson, the Special Counsel finds that the allegations are outside the scope of H. Res. 518 and H. Res. 12. Even if these allegations were within the scope of the investigation, the Special Counsel finds that the evidence is insufficient to support the issuance of a Statement of Alleged Violation. A fifth allegation could fall within the scope of H. Res. 518 and H. Res. 12. That allegation however, is based on hearsay and speculation and is not supported by any evidence; accordingly, the Speical Counsel finds no basis for the Committee to issue a Statement of Alleged Violation against Representative Wilson.

Three former Members

Pursuant to the consistent past practice of the House and the Committee, the Special Counsel has not investigated former Members or employees. However, the Special Counsel received evidence of drug use by former Members which suggested they might have information about drug use or distribution by persons currently associated with the House. The Special Counsel obtained evidence that three former Members had used drugs while they were Members of the House. The evidence indicated that one former Member had purchased cocaine from Marshall on one or two occasions in 1980. Both of the other two former Members admitted using drugs, but denied under oath obtaining drugs from Marshall, Finkel or Todd. All three testified that they had no knowledge of drug use or distribution by current Members, officers or employees.

The balance of this report sets out:

the jurisdiction and scope of the investigation (Section II);

how the investigation was conducted (Section III);

the Special Counsel's investigation and findings with regard to charges that a "cocaine ring" operated on Capitol Hill distributing drugs to Congressional offices through a network of runners (Section IV);

the Special Counsel's investigation, findings and recommendations with regard to allegations that Members of the House were customers of the "cocaine ring" or were otherwise involved in illicit drug activities (Section V);

the Special Counsel's investigation and findings with regard to alleged drug abuse among House employees and pages. (Section VI);

the Special Counsel's investigation, findings and recommendations with regard to names provided by the DEA of Members, officers or employees of the House alleged to have been involved in illicit drug activities (Section VII); and

the Special Counsel's additional recommendations with regard to employee assistance programs; employee disciplinary proceedings; and the Capitol Police. (Section VIII.)

SECTION II: JURISDICTION AND SCOPE OF THE DRUG INVESTIGATION

A. Scope of H. Res 518 and H. Res. 12

The scope of the Committee's investigation was set by the provisions of H. Res. 518, 97th Cong., 2d Sess. and H. Res. 12, 98th Cong., 1st Sess. Those resolutions were addressed to allegations of drug use and distribution within the Capitol Buildings and Grounds, and in particular allegations that: (1) a cocaine "ring" was operating to sell drugs on Capitol Hill; (2) as many as 15 Members were involved with or had purchased drugs from such a distribution network; and (3) pages, tour guides and other employees were used to purchase narcotics for Members or professional staffers on the Hill.

In addition to investigating these three sets of allegations, to assure the completness of the investigation, the Special Counsel also investigated all allegations he received of use or distribution of drugs by Members, officers, or employees of the House within the Capitol enclave. The Special Counsel also examined allegations of drug use or distribution off Capitol Hill if the use or distribution was alleged to have been in any way connected to House activities, for example, at staff parties or on official trips. While the investigation under H. Res. 518 and H. Res. 12 relating to allegations of sexual misconduct was limited to activities involving pages, the investigation under those Resolutions of allegations of illicit drug activities was not similarly limited.

H. Res. 518 was agreed to by the House on July 13, 1982 and renewed and extended by H. Res. 12, agreed to on January 3, 1983. Section 1 of H. Res. 518 directed the Committee on Standards of Official Conduct:

> to conduct a full and complete inquiry and investigation of alleged improper conduct referred to in this resolution *which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies* to determine whether Members, officers or employees of the House of Representatives have violated the Code of Official Conduct or any law, rule, regulation or other applicable standard of conduct. (Emphasis added.)

With regard to the drug investigation, the conduct "referred to in this resolution" is the conduct described in the first "whereas" clause of the resolution as:

> . . . (2) illicit use or distribution of drugs by Members, officers, or employees of the House; and (3) the offering of preferential treatment by Members, officers, or employees to employees of the House, including congressional pages, in exchange for any item referred to in subclause . . . (2) . . .

At the time that the House agreed to H. Res. 518, allegations were being reported that the Justice Department was investigating a drug ring using congressional aides to distribute cocaine to House Members and others in their Capitol Hill offices. On June 18, the Associated Press reported that "A joint federal-city task force is investigating allegations of a cocaine ring which supplied congressional employees on Capitol Hill . . ." The Washington Post reported the next day that a federal grand jury was investigating allegations that "a drug ring used a network of Capitol Hill aides to distribute high quality cocaine to government offices there" and that "the drugs allegedly were distributed by Capitol Hill aides who work at jobs such as tour guides, pages, and on the staff of the House doorkeeker. . . ." On July 2, 1982, CBS News reported that one of its correspondents "had been told this: the names of 12 Congressmen have been mentioned as alleged purchasers of cocaine from a group of 8 pages, elevator operators and tour guides said to be running drugs. So far . . . the allegations have not been corroborated, but the investigation is continuing." And on July 5, 1982, CBS News reported "that California Republican Robert Dornan allowed narcotics agents to use his office as a base for an undercover investigation of cocaine trafficking in the Capitol Hill area." The report continued:

> Sources say the intelligence information from the undercover operation led directly to the arrest at his house in April of former congressional page Douglas Marshall and two associates, Robert Finkel and Troy Todd. Police say they were involved in selling cocaine on Capitol Hill and doing business through a series of runners, who delivered drugs to Capitol Hill offices, including those of congressmen.

On July 7, 1982, columnist Jack Anderson reported in a "special release" to subscribers to his column:

> More than 15 members of Congress were customers of a cocaine ring that operated on Capitol Hill, the ringleaders have told narcotics agents. Nine of the accused legislators have been identified by at least three drug peddlers.

H. Res. 518 was adopted in direct response to these reports. The Chairman of this Committee, Representative Stokes, stated prior to the House's agreement to H. Res. 518 that, acting pursuant to the Committee's standing jurisdiction and his authority as its chairman, he had already instructed the Committee staff to "commence a thorough investigation of the allegations as reported by the media at that time." The language of H. Res. 518 and its legislative history indicates that the resolution was intended to affirm the scope of the investigation then in progress and to provide additional, more efficient investigative authority, backed up by the power to subpoena witnesses and put them under oath.

Thus the House, in directing the Committee to investigate "alleged improper conduct [ilicit use or distribution of drugs] . . . which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies", was referring to the reported allegations of drug distribution on Capitol Hill, particularly distribution to Members and distribution involving the abuse of congressional staff. The Special Counsel has, therefore, undertaken to investigate all allegations of drug activities by Members and staff which were being reported in the press as being under investigation by law enforcement agencies at the time of the adoption of H. Res. 518. In addition, to the extent the Department of Justice reported to the Committee that it had certain other drug matters under investigation involving House Members and staff, the Special Counsel took steps to investigate all such allegations.

The Special Counsel also investigated other allegations received by the Committee of illicit drug activity within the Capitol complex, whether or not other law enforcement agencies has investigated such matters. The Special Counsel investigated allegations of drug activity by Members and staff away from Capitol Hill, where is appeared that such activity might have been connected to Hill activities. Finally, the Special Counsel investigated some drug activities off Capitol Hill where evidence of such activity might corroborate evidence of drug activities within the mandate of H. Res. 518 and H. Res. 12.

The Special Counsel did not, however, investigate allegations of alcohol abuse, which are beyond the scope of H. Res. 518.

B. Former Members and employees

In the course of the investigation, some evidence and allegations were received concerning illicit use and distribution of drugs by former Members, employees and officers of the House. Based on its present and consistent past practice, this Committee has not investigated any individual who is no longer connected with the House. Therefore the Special Counsel has not pursued an investigation of any individual who is no longer associated with the House. The Special Counsel, has, however, interviewed and deposed numerous such individuals for the purpose of obtaining information and evidence relevant to current Members, officers, or employees.

C. Prior Congresses

Pursuant to well-established House and Committee precedents, the Special Counsel's investigation extended to allegations of misconduct by current Members and staff, which occurred in prior Congresses.

D. Allegations involving Senate

The Special Counsel has not investigated matters involving Members, officers or employees of the Senate because the jurisdiction of the Committee runs only to the House. At the direction of the Committee and in accordance with the agreement between Chairman Louis Stokes and Senate Majority Leader Howard Baker, the Special Counsel has referred all such information to the Senate Ethics Committee.

SECTION III: HOW THE INVESTIGATION WAS CONDUCTED

A. Appointment of the Special Counsel and the staffing of the Special Counsel's Office

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation authorized by H. Res. 518. Shortly after Chairman Stokes and Ranking Minority Member Spence announced his appointment, Mr. Califano assembled the staff of the Special Counsel's office. In staffing the office as throughout the investigation, the pledges of independence were unequivocably supported by the Democratic and Republican House leadership. The staff of the Special Counsel's office averaged nine lawyers, seven investigators, three researchers and six clerical employees during the investigation.

B. Characteristics of the investigation

Since July 27, 1982, the Special Counsel's office has attempted to investigate every specific allegation that has come to its attention concerning the subject matter of H. Res. 518.

The Special Counsel's office has mounted wide-ranging efforts to contact individuals who might have information bearing on the allegaitons received by the Committee of illicit use or distribution of drugs or sexual misconduct by Members, officers or employees of the House. Attorneys and investigators on the Special Counsel's staff have carefully examined and followed up hundreds of leads, allegations and rumors. They have conducted some 1,000 interviews, and taken more than 160 depositions. They have travelled more than 100,000 miles to more than 50 cities and devoted more than 70,000 hours of staff time. Some 168 subpoenas have been issued: 144 to compel oral testimony, 24 to compel production of documents. In addition, the office has made numerous requests to such agencies as the Drug Enforcement Administration, the Federal Bureau of Investigation, the United States Capitol Police, the District of Columbia Metropolitan Police and to the broadcast media, for materials which were voluntarily produced.

The Special Counsel's office examined a comprehensive compilation of press reports on the subject matter of H. Res. 518 and viewed videotapes of television news reports to identify specific allegations that merited investigation. Where necessary to follow-up on specific allegations, investigators have reviewed hundreds of financial, telephone and travel records.

C. Subpoena and immunity

The Committee has given the Special Counsel full support in conducting an independent investigation. At every point, the Special Counsel has sought to develop evidence to determine the truth or falsity of the allegations that have been made. In particular, the Special Counsel has sought evidence relevant to allegations made against Members. To carry out this type of investigation, the Committee and the Special Counsel used the subpoena power granted under Section 4 of H. Res. 518 and under H. Res. 12 to compel testimony and production of documents relevant to the investigation.

In addition, the Committee and the Special Counsel have used subpoena powers in combination with grants of immunity from the United States District Court to compel individuals to testify even when they objected and asserted their Constitutional privilege against self-incrimination. Pursuant to 18 U.S.C. §6002, a witness who testifies pursuant to subpoena may be granted immunity from having any information provided during the testimony used against him in any criminal proceeding, except perjury or contempt committed in the course of giving the immunized testimony. This "use and derivative use" immunity does not mean that the individual is immune from prosecution for wrongful acts. It means that the testimony provided or any information derived from such testimony cannot be used in a criminal prosecution as evidence of those wrongful acts. The witness may still be prosecuted provided that the evidence against him was obtained independently from the immunized testimony. A witness who testified pursuant to subpoena and a grant of immunity must provide under penalty of perjury and contempt all information requested, even self-incriminating information.[1]

These grants of immunity have been particularly important to compel individuals to testify about matters involving their employers or involving activities in which the person testifying may themselves have committed a crime. At the recommendation of the Special Counsel, the Committee obtained from the United States District Court for the District of Columbia grants of "use and derivative use" immunity for 28 witnesses in connection with the investigation. The Justice Department acceded to the Special Counsel's requests for grants of immunity.

D. Relationship with the Department of Justice

The United States Department of Justice conducted investigations parallel to those authorized by H. Res. 518 and H. Res. 12. Section 6 of H. Res. 518 authorized the Committee "to coordinate its investigation with the Department of Justice or any other law enforcement agency and to enter into any agreements with that Department or any such agency which the committee determines to be essential for the prompt and orderly performance of its duties . . ."

Shortly after the Special Counsel was appointed, he undertook efforts to establish a working relationship with the Department of Justice and its DEA Task Force appointed to carry out its Capitol Hill narcotics investigation.

On October 15, 1982, the Special Counsel and the Attorney General entered into an agreement whereby the Department was to provide to the Committee non-privileged results of the Department's drug investigation, provided that access to the material was restricted to certain named individuals and that certain security precautions were taken. (Appendix G)

On July 27, 1983, the Department of Justice announced in a press release that it was closing its investigation with regard to Representatives Wilson and Dellums and former Representative Goldwater. In three separate letters sent to the Special Counsel on that date, the Justice Department stated that with respect each of the investigations:

> there is insufficient admissible credible evidence to support criminal charges against [Representative Wilson, Representative Dellums, former Representative Goldwater]

These letters are attached as Appendix H (Wilson), Appendix I (Dellums) and Appendix J (Goldwater).

In each letter the Department of Justice stated that it stood ready to "make available to the Committee all nonprivileged materials developed in our investigation." These materials did not include grand jury minutes or other privileged items.

The next day, July 28, 1983, Chairman Stokes wrote the Department requesting the materials which had been offered. (Appendix K) On August 1, 1983, some materials with respect to former Representative Goldwater were delivered to the Committee. On August 23, 1983, materials with respect to Representative Dellums were delivered to the Committee. However, the Department of Justice explained that certain difficulties impeded delivery of the balance of the materials regarding former Representative Goldwater and of the materials regarding Representative Wilson.

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[1] *Kastigar* v. *U.S.*, 406 U.S. 441 (1972)

On September 14, 1983, six weeks after the materials had been offered and after numerous telephone calls regarding the materials to the Department of Justice, the Special Counsel wrote the Attorney General again requesting that the remaining materials be provided "as soon as possible" so that the Committee's investigation could be completed. (Appendix L) The Attorney General has never responded to this letter.

More than a month passed without response from anyone else in the Justice Department to this letter. On October 20, 1983 the Drug Enforcement Administration produced the outstanding materials with respect to Representative Wilson. On October 27, 1983, the remaining materials were produced with respect to former Representative Goldwater.

On November 10, 1983, the Special Counsel requested the Attorney General to provide written assurance for the Committee record that the materials previously provided to the Committee constitute all the information concerning Members and employees of the House which the Justice Department in its earlier letters had stated it would provide. (Appendix M) To date, this assurance has not been received by the Special Counsel.

SECTION IV: ALLEGED "COCAINE RING" ON CAPITOL HILL

An Associated Press bulletin of June 18, 1982, reported that there was a "cocaine ring . . . on Capitol Hill. . . ." The CBS Evening News reported on July 5, 1982, that "Police say [Douglas Marshall, Robert Finkel, and Troy Todd] were involved in selling cocaine on Capitol Hill and doing business through a series of runners, who delivered drugs to Capitol Hill offices, including those of congressmen."

The allegations that Marshall, Finkel, and Todd operated a Capitol Hill "cocaine ring" were among the major concerns that prompted the House to agree on H. Res. 518 in July 1982. The Special Counsel investigated these allegations thoroughly. The Special Counsel obtained interview notes and other materials from the Drug Enforcement Administration Task Force and the Metropolitan Police Department. In addition, the Special Counsel's staff interviewed key personnel in the Drug Enforcement Administration and police department who were involved in the investigation of Marshall, Finkel and Todd and related matters. The Special Counsel also conducted an independent investigation, interviewing or deposing many tour guides, pages, doorkeepers, and elevator operators, as well as customers of Marshall, Finkel, and Todd. Ultimately, the Special Counsel's staff deposed Marshall, Finkel, and Todd, all of whom testified under grants of immunity.

A. Summary of Findings

Based on the evidence received during the investigation, the Special Counsel finds that Marshall, Finkel, and Todd each sold cocaine in the Washington, D.C. area during the period 1978 to 1982. Marshall and Finkel separately obtained much of their cocaine from Todd, and made Todd aware that they intended to resell it. The evidence indicates, however, that each of the three developed and maintained his own cocaine "clientele", and there were few, if any, joint efforts to obtain or service customers.

The Special Counsel received evidence that Marshall, a House page from 1971 to 1973, sold drugs between 1978 and 1982 to four Senate employees, to two House employees and, on one or two occasions in 1979-80, to a Member of the House who is now no longer a Member. One of the two House employees is still employed by the House.

The Special Counsel received evidence that Finkel, who had worked in the Senate as a elevator operator during 1978 and 1979, sold cocaine to 14 Senate employees and three House employees during the period 1978 to 1982. One of the three House employees still works for the House.

The Special Counsel received evidence that Todd sold cocaine to three Senate employees, who were roommates of Todd's girlfriend or who frequented her apartment. The Special Counsel found no evidence that Todd sold drugs to any House employees.

The Special Counsel finds no evidence that either Finkel or Todd ever sold drugs—directly or indirectly—to any Member of the House.

The Special Counsel received no evidence that Marshall, Finkel, or Todd distributed cocaine to Capitol Hill customers through a "network" of runners. To the contrary, almost every transaction of which the Special Counsel received evidence was handled directly between the seller and the buyer. The Special Counsel did receive evidence that individuals who purchased drugs from Marshall, Finkel, and Todd sometimes resold those drugs, on occasions to Hill employees. The evidence indicates that neither Marshall, Finkel, or Todd arranged such subsequent sales or received any profits from them.

The chronology and facts set out below are based primarily on the testimony of Marshall, Dupres, and Finkel, all of whom cooperated with the Special Counsel's investigation. All three testified at length in sworn depositions. Marshall and Finkel testified under grants of immunity obtained by the Special Counsel. Todd was also subpoenaed and testified reluctantly, after being compelled to do so under a grant of use immunity. Todd has refused to cooperate with law enforcement authorities or with the Special Counsel except for providing testimony at his deposition on the extent of his drug sales on Capitol Hill.

B. Background

Before describing the evidence of the extent of drug sales by Marshall, Finkel, and Todd on Capitol Hill, it is useful to provide some background on the three individuals involved, and on their relationship to each other during the five year period, 1977 to 1982.

In addition to Marshall, Finkel and Todd, the story involves Devon Dupres, a woman who was Marshall's girlfriend from 1978 to 1979, and who when she broke up with Marshall, then became Todd's girlfriend.

Douglas Marshall, 28, testified in his deposition that he was a House page from 1971 to 1973. Marshall graduated from college in 1977 and graduated in 1980 from American University Law School. Following his graduation from law school he worked as a bartender in various bars and restaurants in the Washington, D.C. area. In his deposition, Marshall admitted that he distributed controlled substances, including cocaine, in the District of Columbia. He testified that he began selling drugs in 1977, about the time he graduated from college. During the period 1980-1981, Marshall said he was selling roughly one ounce of cocaine per week. The amount varied, however, and in a given week he might sell four or five ounces. Typically, cocaine is sold for about $100 a gram or approximately $2,000 an ounce. (There are roughly 28 grams in an ounce.) The price varies depending on the purity of the drug and the volume purchased. According to Marshall, in July 1981 he substantially decreased his cocaine sales, mainly as a result of his diminished personal consumption.

Robert Finkel, 31, testified in his deposition that he came to Washington in 1976 after working in San Francisco on the Carter presidential election campaign. After the 1976 election, he worked on President Carter's Inaugural Committee, but was then unemployed for about 10 months.

Finkel testified that while living in Washington, he used and sold drugs, primarily cocaine and marijuana. Finkel testified that in early 1977, he purchased cocaine from a secretary who worked for a Member of the House. This secretary, whose last name Finkel does not know, is no longer a House employee and the Special Counsel's investigators have been unable to locate her. The Member of the House for whom Finkel said she worked is no longer a Member of the House.

In September 1977, Finkel met a Senate employee who, according to Finkel, used cocaine and marijuana. Finkel moved into this employee's house where he met a number of other Senate employees who used drugs, primarily cocaine and marijuana. Finkel himself obtained employment as an elevator operator in the Senate from August to June 1979 where he met additional Senate employees who used drugs. Finkel testified that he "began using cocaine more regularly" during this period of time.

Troy Todd's background differed markedly from that of Marshall and Finkel. Todd had an eleventh grade education and an employment history which he described as "sketchy." He was never employed by either House of Congress and did not socialize with many Hill employees. Todd was 19 when he met Marshall, and 23 when he was arrested.

The paths of Marshall, Finkel, Todd and Dupres first began to cross in the Spring and Summer of 1978.

While living in the Senate employee's house, Finkel testified that he first met Douglas Marshall when Marshall visited the house, in April 1978, to buy cocaine.

Marshall testified that he met Troy Todd about the same time (1978) through a mutual friend. Shortly after they met, Marshall became aware that Todd sold cocaine and he began buying from Todd an ounce or two "from time to time." Subsequently, Marshall testified that he and Todd became "very good friends" but that they had "no formal business arrangement" between them. Marshall testified that he frequently purchased cocaine from Todd, but that he probably purchased a majority of his cocaine from other sources.

Devon Dupres, 29, testified that she came to the Washington, D.C. area in 1978 to recuperate at her mother's home following an operation. Dupres decided to remain in the area and became employed as a waitress in a local restaurant. She has never been employed by the House of Representatives.

Dupres testified that shortly after meeting Douglas Marshall in the Summer of 1978 she began dating him. Marshall was working as a bartender at the restaurant where she was employed. According to Dupres, she dated Marshall "on and off" for a year and a half or two years. Dupres testified that while she was dating Marshall, he introduced her to cocaine, and she became a cocaine user. Dupres further testified that when she met Marshall he was selling small amounts of cocaine and that as they dated his sales increased. Dupres sold some cocaine for Marshall; as payment she received cocaine for her personal use.

During this 1978–79 period Dupres testified that she resided in an apartment on S Street in Georgetown with three roommates, two of whom were Senate employees. Marshall supplied these two roommates with cocaine.

In the Summer and Fall of 1979, Finkel began to buy drugs from Marshall; Finkel met Todd and made an initial drug purchase from Todd; and Dupres stopped being Marshall's girlfriend and became Troy Todd's girlfriend.

Finkel testified that in the Summer of 1979 he bought a quarter pound of marijuana from Marshall. After the marijuana purchase, Finkel and Marshall became friends. Finkel testified that he and Marshall would get together every week or two, often at the bar where Marshall worked. Marshall began inviting Finkel to parties where drugs were used.

Finkel testified that in October 1979 he first purchased cocaine from Marshall. The transaction involved a half gram of cocaine which Marshall delivered to Finkel's residence. Finkel next purchased a half gram of cocaine from Marshall after a New Year Eve's party on December 31, 1979.

Finkel testified that he first met Troy Todd in July 1979. Finkel said that he learned that Todd frequently visited the apartment on S Street, N.W. where Dupres lived. According to Finkel, while he was helping one of Dupres' housemates move, Finkel said to a room full of people that he would like to purchase some marijuana. Todd responded, "I can do that for you." Todd did supply Finkel with marijuana, and around Labor Day 1979, Finkel purchased a quarter ounce of cocaine from Todd. Finkel testified that he had little subsequent involvement with Todd until the Spring of 1980.

Dupres testified that in the Summer of 1979 she first met Troy Todd. She said that she was visiting Doug Marshall at his father's home when one of Marshall's drug contacts brought Todd to the house. Marshall described Todd to Dupres as a "really big coke dealer from Maryland."

In August or September 1979, she began dating Todd instead of Marshall. The first couple of times she saw Todd he was "extremely nice." She testified:

> He took me to a lot of bars, though, where he would stop and drop off cocaine or sell to people, usually in . . . places . . . in Georgtown.

Dupres testified that Todd used drugs heavily and that as she dated Todd she "started using drugs even more, because the availability was there . . ." Todd began spending a great deal of time with Dupres at the S Street apartment, often spending the night there.

During 1980, Todd's drug sales increased to the point where he sold primarily half-pounds or pounds of cocaine; Finkel became a direct customer of Todd, and by the end of 1980 Marshall began buying more cocaine from Todd.

Dupres testified that during 1980, Todd began selling increasing amounts of cocaine:

> He also took me into his confidence. I got to meet his source, and eventually I got to meet a person who was the source of that source, one of the big dealers in this area, and Troy's clientele branched out, and he was selling bigger quantities to a lot of different people, and his bar business kind of subsided, and he basically concentrated on people that bought pounds, half-pounds to pounds of cocaine.

Dupres testified, however, that as time went on her relationship with Todd became less pleasant. She claimed that he became violent and physically abused her.

Finkel testified that in the Spring of 1980 he asked Dupres "if she could arrange a meeting where I could set up a situation where I could consistently get large amounts of coke from Troy." Finkel testified that a few weeks later, Dupres provided Finkel with an ounce of cocaine. Finkel said that then, in mid-May 1980, Todd himself began selling cocaine to Finkel.

Finkel testified that during the summer of 1908, Finkel showed Marshall cocaine he had purchased from Todd. Marshall was impressed with its high quality, and Finkel sold some of the cocaine to Marshall. Finkel testified that, ultimately, Marshall began buying cocaine from Todd directly. Dupres testified that in late 1980 she left the Washington, D.C. area and went to a hospital in Florida to receive treatment for drug addiction. By November 1980, Todd moved into the Marshall residence and the two men became "very good friends." Finkel testified that in late 1908 "[t]here was a formalizing of a leader-lieutenant kind of relationship between Troy Todd as the leader and Doug as his lieutenant . . . Doug made it clear to me that if I wanted Troy's dope I should come to him."

In early 1981, after receiving drug rehabilitation treatment, Dupres returned to the Washington, D.C. area. Shortly thereafter she and Todd moved into an apartment in Silver Spring, Maryland. Dupres testified that, upon returning to Washington, D.C., she began using cocaine and other drugs again. She testified that Todd used "everything and anything," including alcohol, Percodan, LSD, speed, and cocaine. She said that Todd's indiscriminate drug use made him violent:

> It made him more violent, I think, to the point where he beat me very badly many times when I was there. In fact, he almost made me a prisoner of that apartment building. I was not allowed to leave. I was not allowed to go anywhere unless I went to the store. This can be verified by people that visited there. I wasn't allowed to go anywhere unless I was accompanied by him. My job was basically to read the paper and pick out stocks for him.

Dupres testified that Todd made a substantial amount of money selling drugs (at one time she counted over $200,000 in case) and that much of the money was invested in a stock portfolio.

Dupres testified that she left Todd about September 1981 because of his violence. She remained in hiding from Todd until his arrest in April 1982.

On April 19, 1982, as a result of a DEA undercover operations, Marshall, Finkel, and Todd were arrested. An undercover police detective, Jim Bradley, contacted Finkel and asked to purchase $15,000 worth of cocaine. Finkel had seen Todd with a kilogram of cocaine on the previous day and knew that Todd was staying at the Marshall residence. Finkel arranged for a transaction between Bradley and Marshall at Marshall's house. Finkel testified:

> We parked the car in the driveway of the [Marshall] house, went into the house. Troy [Todd] happened to be waiting downstairs. Doug [Marshall] pulled out ten ounces. The guy only had enough money to buy eight of them. Doug counted stacks of, 15 stacks of . . . $1,000 in smaller bills, on the table. The guy took out a small gas tester, which turned blue if it's an alkaloid, cocaine, and it did turn blue. We all stood up and walked out toward the front door of the house, which is secured by an alarm system, and this is a routine that I had gone over several times in the last few years. And as Doug turned the alarm off and gave me the okay to open the door, I saw a shotgun in my face, about 30 agents standing outside.
>
> It wasn't very long they were standing there. They came rushing in, saying "you are under arrest for conspiracy to distribute cocaine." I put my hands up against the door, turned around and saw that Doug was being forced on the floor with a gun to his head by this individual that I had met earlier that evening, and they were all running around the house saying, "Where is Todd, where is Todd?" The couldn't find Troy. They regrouped near the front of the house. I heard them talking that no way could he be outside, that he could get out of the house. They went back down. They brought him up and handcuffed all of us.

Finkel testified that shortly after his arrest, he began negotiating with the Department of Justice regarding terms under which he would cooperate with authorities. In April 1982, the Department of Justice dropped the original charges against Finkel, Marshall, and Todd with the explicit understanding that the case would be developed further before the grand jury. A few days later, Finkel entered into a plea arrangement with the government. In return for his full cooperation, the government agreed to seek no more than one felony count against him. Thereafter, Finkel began meeting with DEA authorities and providing information regarding his drug dealings. In May and October 1982, Finkel testified before the grand jury regarding his knowledge of drug activities.

In her deposition with the Special Counsel, Dupres testified that after the arrest of Marshall, Finkel, and Todd she began cooperating with the Justice Department investigation. In this connection, she said that she operated undercover for the DEA and contacted a number of her former acquaintances, including a former Member of the House, secretly recording their conversations.

When the government dropped the initial charges against Marshall, Finkel, and Todd in order to develop more fully the case before the grand jury,[2] Marshall and Todd fled the country, traveling through Europe and ultimately hiding in Australia. On November 18, 1982, the grand jury returned a ten count indictment against Marshall and Todd, charging them with various offenses arising out of a conspiracy to distribute cocaine. The indictment named Finkel and Dupres as unindicted co-conspirators.

In January 1983, Marshall and Todd were discovered and arrested by Australian authorities. On April 17, 1983, both defendants were extradited to the United States to face the cocaine charges.

Ultimately, Marshall pled guilty to one charge of selling cocaine and began cooperating with the authorities. In September 1983, Marshall was sentenced to serve two to six years in prison and to pay a $5,000 fine. While he was free on bond, between the entry of his guilty plea and his sentencing, Marshall was arrested in Baltimore for allegedly attempting to buy a gram of cocaine from an undercover agent. Marshall pled guilty to possession of cocaine and was sentenced to an additional 30 days in jail.

Todd refused to cooperate with authorities and ultimately pled guilty to one count of conspiracy to distribute cocaine and one count of possession of cocaine with intent to distribute. In September 1983, Todd was given a sentence of five to fifteen years in prison on each count, to be served concurrently, and was fined $5,000. He since has been sent to a prison medical facility for psychiatric evaluation.

Finkel negotiated a plea arrangement with the Department of Justice. In return for his testimony, the government agreed to allow him to plead guilty to a single felony count. To date, he has not been indicted and he has not entered a plea of guilty.

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[2] Had the case not been dismissed, it would have been necessary for the Grand Jury to return an indictment within 30 days. To investigate the case fully and comply with the Federal Speedy Trial Act, 18 U.S.C. § 3161(b), it was necessary to dismiss it and then re-indict it once the investigation was completed. By dismissing the case, the prosecution avoided the necessity of seeking an indictment before the investigation was completed.

Dupres was given immunity from prosecution and entered the federal witness protection program. She has been given a new name and identity and has relocated to another part of the country.

C. Customers of Marshall, Finkel, and Todd

1. TODD'S CUSTOMERS

The evidence received by the Special Counsel showed that Todd sold drugs to three Senate employees who either lived with Dupres or frequented her apartment.

Marshall, Finkel, and Dupres all testified that they were unaware of any dealings by Todd with Members, officers or employees of the House. In his deposition, Todd stated that to his knowledge he never sold cocaine or any other controlled substance to any Member, officer or employee of the House of Representatives. Similarly, Todd testified that he never used cocaine or any other controlled substance with a Member, officer or employee of the House. In addition, Todd was questioned about specific individuals associated with the House, alleged to have used or distributed drugs. Todd denied under oath any knowledge about drug use or distribution by any of those individuals.

2. MARSHALL'S CUSTOMERS

Allegations received by the Committee specifically identified Marshall as distributing cocaine on Capitol Hill. For example, on January 4, 1983, NBC News carried a lengthy story on the alleged "cocaine ring," stating in part:

> This is a picture of Douglas Marshall taken in 1973 when he was a page in the House of Representatives . . . a very promising young man.
>
> he went to college at Georgetown . . . summer jobs at the White House and Congress and law school. And then, authorities say, Marshall went into the cocaine business and set up a thriving cocaine business in the place he knew best . . . the Congress of the United States.

The Special Counsel's investigation of these allegations, obtained information regarding Marshall's customers from Marhall, Finkel, Dupres, the DEA and Marshall's customers themselves.

In summary, the Special Counsel received evidence that, during the four year period 1978–82, Marshall sold cocaine to seven individuals employed on Capitol Hill, four Senate employees and three persons associated with the House: on one or two occasions in 1979 or 1980 to a Member of the House who is no longer a Member; on several occasions to a staff aide to that Member who is now employed elsewhere in the House; and on three occasions to Robert Yesh, an employee of the Doorkeeper's office who has resigned and been convicted of violating the federal drug laws.

Marshall testified that he sold the former Member one or two grams of cocaine and one occasion in 1979 or 1980. Marshall testified that the transaction occurred in the Congressman's Capitol Hill office and that Marshall, the Member, and possibly one of the

Member's staffers who was a friend of Marshall's, used cocaine at the time. In her deposition, Devon Dupres testified to an additional incident involving Marshall and this same former Member. According to Dupres, on one occasion she accompanied Marshall to the Member's Capitol Hill office when Marshall delivered a package of what Dupres believed to be cocaine.

Marshall testified that on three occasions in about 1980 he sold cocaine to Robert Yesh. Marshall testified that he had met Yesh while Marshall worked as a House page. Marshall could not remember many details concerning these three transactions except that one occurred at Yesh's house, one occurred at the Washington Marina and one occurred at the house of Marshall's girfriend. Marshall testified that Yesh did not resell the cocaine on Marshall's behalf.

Marshall testified that he may have used cocaine and marijuana on several occasions with the House aide who witnessed the cocaine sale to the former Member, but Marshall testified that that he did not recall selling drugs to this aide. In her deposition, Dupres testified that the aide was a customer of Marshall's and that she believed that Marshall had sold cocaine to this aide on several occasions, always off Capitol Hill.

Finkel testified that on one occasion he drove Marshall to Capitol Hill to collect money which Finkel assumed was payment for drugs. Finkel stated that he waited in the car while Marshall disappeared into an unspecified office building for about fifteen minutes then returned with money. Finkel testified, however, that he had no other personal knowledge regarding drug sales by Marshall to Capitol Hill employees.

Other than these instances, the Special Counsel obtained no evidence that Marshall sold cocaine to other Members, officers or employees of the House. The Special Counsel also received evidence concerning approximately eighteen customers Marshall may have supplied with cocaine, who were not employed on Capitol Hill.

3. FINKEL'S CUSTOMERS

Finkel cooperated with the Special Counsel's investigation, providing extensive details regarding his personal distribution of drugs. All evidence of drug sales obtained by the Special Counsel suggests that Finkel was forthcoming in his deposition.

Finkel testified that he sold no drugs to Members of the House and had no first-hand knowledge with regard to drug use or distribution by any Member. However, in his deposition, Finkel identified 17 individuals employed on Capitol Hill to whom he has sold cocaine. Of these 17 individuals, 14 were employed by the Senate and three by the House. According to testimony received by the Special Counsel, all of Finkel's sales to Hill employees were to individuals he had come to know while working as a Senate elevator operator, or were acquitances of those individuals. The Special Counsel has turned over to the Senate all the information regarding Finkel's 14 Senate customers.

Finkel testified that his three House customers were one current House doorkeeper and two former House employees, one of whom now resides outside the United States. Finkel testified that on five or six occasions he sold a half gram of cocaine to one doorkeeper and that the second doorkeeper was present for some of these transactions. In addition, in his deposition Finkel identified two female House employees (one is still employed by the House) who were present on numerous occasions when their Senate employee boyfriends purchased cocaine.

4. DUPRES' CUSTOMERS

According to Dupres, she became involved in Marshall's drug sales in 1979–80 and then involved in Todd's drug sales in 1980–81. Dupres, who cooperated with the Special Counsel's investigation, testified that she also made some drug sales herself. Dupres testified that she sold cocaine to the Senate employees who lived at or frequented the S Street apartment where she lived in 1978 and 1979.

Dupres testified, however, that to the best of her recollection, her only personal knowledge of drug use by a Member of the House involved the former member to whom Marshall sold cocaine in 1979. The Special Counsel found no evidence that Dupres had drug dealings with any other Member, officer or employee of the House.

D. Alleged Capitol Hill distribution organization

While Marshall, Finkel and Todd made numerous sales of cocaine to Capitol Hill employees, the Special Counsel obtained no evidence that the three undertook any joint efforts to sell drugs on Capitol Hill or delivered drugs through a "network" of runners.

Finkel testified at length about the drug dealings of the trio. He testified that there was no joint effort to distribute drugs on Capitol Hill.

> There was no joint effort and it was never even mentioned between us three, never in three years ever mentioned.

Finkel testified in detail regarding the relationship of those involved in the group.

> In the early days, meaning let's say February 1980 to December 1980, we were all independently dealing. . . . Basically, the February 1980 to December 1980 was three independent contractors that were both competitive and cooperative, depending on the situation that would help the individual at any given time.
>
> There was a formalizing of a leader-lieutenant kind of relationship between Troy Todd as the leader and Doug as his lieutenant, in late 1980, until the bust, until April 19, 1982. Doug made it very clear to me that if I wanted Troy's dope I should come to him. Troy made it very clear that if I wanted his dope I should go to Doug, and Devon was sort of a factor in all this, as also an underling, taking orders from Troy. That would be the extent of any organization. And there was never any discussion that we would seek out people to distribute our drugs for us. If somebody wanted to buy drugs, we didn't care who they distributed them to. That was totally up to the customer once he re-

> ceived the product. We had no knowledge of where those drugs were going.

Finkel testified that no runners were used to deliver drugs to Capitol Hill offices:

> We sold to individual customers who happened to work on the Hill, but we did not put together an organization to distribute drugs on Capitol Hill.
>
> * * * * * * *
>
> Any impression that that existed would be coincidence of individual customers. There was absolutely no joint effort. There were no mules, so to speak.

Douglas Marshall's testimony was consistent with Finkel's. Marshall testified that any sales he made on Capital Hill involved direct hand-to-hand transactions between him and the purchaser. Marshall testified that he never used tour guides, pages or anyone else as a runner:

> *Question.* I take it it is fair to say, the suggestions in the press—I don't want to use the word "complex",—
>
> Answer. Organized?
>
> *Question.* Organized distribution ring involving yourself, Mr. Finkel, Mr. Todd, are inaccurate in your view, is that true?
>
> Answer. I would say that Mr. Finkel's association precludes any organization.
>
> *Question.* But with respect to yourself and Mr. Todd?
>
> Answer. No.
>
> *Question.* Your position is that there was no organization as such?
>
> Answer. I would say that is true, there was no organization.

Devon Dupres testified that there was no organized cocaine ring:

> *Question.* Now, Ms. Dupres there has been some newspaper talk of an organized cocaine ring on Capitol Hill run by Mr. Marshall, Todd and Mr. Finkel. Did you observe such a ring?
>
> Answer. No.
>
> *Question.* And why is it that you find that amusing?
>
> Answer. Because it never existed. I mean, whoever came up with that story must have really—it must have been a slow news day.
>
> *Question.* Did you see any organization at all involving those three individuals?
>
> Answer. Yes.
>
> *Question.* And what kind of organization was that?
>
> Answer. Well, Troy [Todd] was the source, Doug [Marshall] was Bob Finkel's source, if that is the organization. I think it's more of an association, not an organization.

Dupres testified that Marshall gave no proceeds of his sales back to Todd and, similarly, that Finkel made sales on his own rather than as an agent of Todd. Dupres further testified that while customers may have resold drugs, sales were not made through intermediaries:

> . . . I do know that there are people that purchased for him [Marshall] that sold up here on the Hill, but they sold things themselves. It was their choice to sell it up here. It was not Doug that was saying, 'Here, go to the people up on Capital Hill and take this up there.' It was not that kind of a situation.

The Special Counsel's invstigation of allegations that pages, tour guides, doorkeepers and others distributed drugs on Capitol Hill is set out in Section IX.

SECTION V: ALLEGED INVOLVEMENT OF MEMBERS IN ILLEGAL DRUG-RELATED ACTIVITIES

Allegations of illegal drug activity involving fourteen current and former Members of the House of Representatives came to the attention of the Special Counsel.

Five of the fourteen are no longer Members of the House. In accord with the practice of the House and the Committee not to examine the conduct of former Members and not to discipline them, the Special Counsel did not investigate these five former Members. Nevertheless, three were deposed in connection with the Special Counsel's investigations of current Members and employees.

The Special Counsel examined the allegations concerning each of the nine current Members. In no case did the Special Counsel find evidence sufficient to justify a recommendation that the Committee issue a Statement of Alleged Violation.

In seven of the nine cases, the Special Counsel finds the charges to be mere speculation and hearsay, without evidentiary support. As this section demonstrates, the allegations did not withstand investigation; in some cases the charges were so speculative and vague that they were not capable of investigation; in others, statements allegedly made by reporters in press reports or to other individuals were disclaimed under oath by individuals alleged to have made them. Moreover, each of the seven Members filed affidavits stating "under oath that I have never possessed, used or distributed marijuana, cocaine or any other controlled substance. Included among these seven Members are two named publicly in Jack Anderson's column—Representatives Parren Mitchell of Maryland and Gerry Studds of Massachusetts. The other five Members have not been named publicly. Since I have found no evidence to support any of the allegations involving the seven Congressmen, I recommend that the names of these five Members not be made public.

The remaining two are Representatives Charles E. Wilson of Texas and Ronald V. Dellums of California. Allegations concerning both have been reported in the press. In each of these cases, the Special Counsel has conducted an exhaustive investigation and has not found sufficient evidence to recommend that the Committee issue a Statement of Alleged Violation.

A. Origins of allegations

1. THE ANDERSON-HUBBARD-DORNAN CONNECTION

By whatever serendipity, each in pursuit of his own objectives, each practicing his profession as he saw it, columnist Jack Anderson, District of Columbia Metropolitan Police Department Detective Michael Hubbard and then Representative Robert Dornan of California connected in 1982 to spawn a series of accusations and reports about illegal drug activity by up to 15 Members of the House.

Toward the end of 1980, the Metropolitan Police Department initiated an investigation of cocaine use in District of Columbia nightclubs and restaurants. In late 1980 and 1981, Michael Hubbard, a Metropolitan Police Department Dectective for seven years, was an undercover agent in this investigation. Detective Hubbard played the role of an attorney under the name Michael Lewis.

In his deposition by the Special Counsel, Hubbard testified that the Metropolitan Police Department had received information "pertaining to the wide-scale distribution of quality cocaine in the exclusive nightclubs and restaurants of the Metropolitan D.C. area, potentially involving persons in positions of power. . . . I can only think of one congressional figure—but of some D.C. government officials, police officers, club management . . ." Hubbard claimed that the allegations related to narcotics trafficking, not only for profit, but also as a means of influencing prominent persons.

(a) Anderson connects with Hubbard

Early in 1981, Hubbard testified that he met Indy Badhwar, an assistant to columnist Jack Anderson, at a social gathering.

> The host mentioned that I as with the Police Department and Mr. Badhwar recalled having read . . . about my involvement in [a certain] narcotic investigation . . . as well as my testimony [before a Congressional committee].

According to Hubbard, Badhwar called a month later, in March or April, and asked Hubbard to meet with him and with Jack Mitchell, another Anderson staffer. Badhwar wanted to discuss certain "narcotics trafficking". At this meeting, Badhwar and Mitchell gave Hubbard an internal memorandum written by Sharon Geltner, a third member of Anderson's staff, which discussed cocaine distribution on Capitol Hill.

Geltner, an unpaid intern in Jack Anderson's office, had taken a phone call from a man who had called Jack Anderson with information about cocaine use on Capitol Hill. The caller had given Geltner the names of two House members and one Senator whose offices allegedly received cocaine. He also gave her the first names of some Hill employees who were alleged to be involved. Geltner made some telephone calls to ascertain the last names of the Hill employees. She then recorded the caller's information in a memorandum. The Geltner memorandum, "RE: HILL DRUG RING", was addressed to Jack Mitchell, and alleged:

> The main dealer to Hill staff is reputed to be *Doug Marshall,* an American University Law Student . . . He makes

> drug runs to Members' offices; some names mentioned were [———], [———] and [———]. Staff aides buy the cocaine and marijuana for their bosses & themselves. Besides selling to offices, Marshall operates a ring involving tour guides and doorkeepers within the Capitol . . . (emphasis in original) (Appendix N)

The Geltner memorandum then listed the names of a tour guide ("reputedly the weak link in the chain and will 'spill all' to the right people who pressure her, in order to keep her 'soft' job"); a Senate doorkeeper (she is characterized as "[a] bigger dealer"); "another tour guide/dealer of cocaine and marijuana . . . not yet confirmed"; a House doorkeeper (who "delivered a pound of marijuana to [the first tour guide who in turn] . . . split the marijuana into quarter pound portions which she dealt to other tour guides, who in turn sold smaller portions.") The memorandum continued:

> The dealing between tour guides and doorkeepers has been going on since at least 1976, although my main source reports that the operations has [sic] gotten more blatant over the past year. The Hill jobs pay well and don't take up much time. The dealers are all in their mid-twenties and bored. It's said some Members encourage the goings-on by approaching female guides with invitations to parties where "there's some good coke." [The first tour guide and the Senate doorkeeper] could confirm which Members made the invitations.

Geltner told the Special Counsel's staff that her only source for the information in her memorandum was the caller. She also said that she did not develop any other sources for this information. Indy Badhwar told a radio audience that this memorandum "was just raw, totally raw hearsay information." (WRC News Broadcast, Braden and Buchanan, April 28, 1983, transcript, p. 14).

Hubbard testified that he asked Anderson staffers Badhwar and Mitchell why they were giving him this memorandum. According to Hubbard, Mitchell and Badhwar replied that, while they had a reliable source, "there was not enough substantiation for them to do anything from the news position." Also, Hubbard added, "they felt that, based on my track record, I might have some degree of luck in doing something with it."

A few days later, at Hubbard's request, Badhwar and Mitchell asked Geltner to arrange a meeting with her source. Geltner would not disclose her source to the Special Counsel's staff, but Hubbard has identified him as Larry ———.[3] Geltner arranged a meeting at which Hubbard met Larry. Both Hubbard and Larry testified that at this meeting Larry gave Hubbard much of the same information, with additional details, that he had provided Geltner.

Larry testified that he called Jack Anderson when he had failed to get any action in a call to the D.C. Metropolitan Police Department drug hot line "TIP" (an acronym for "Turn in Pushers"). Larry testified that he was doing this because he was worried about his sister, who had become associated with Douglas Marshall whom Larry believed to be a cocaine dealer. Larry testified he had learned this information from his sister, a House tour guide.

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[3] The last name is deleted to protect the identity of Larry's sister.

In addition to the names in the Geltner memorandum, Hubbard testified that someone mentioned the names of Representatives Fred Richmond, John Burton, Gerry Studds, Representative B and Representative C as being "involved in cocaine." Hubbard testified that he may have heard it from Larry or Badhwar and Mitchell at the meeting, although Geltner does not recall these names being mentioned. Hubbard also testified that he may have heard these names from Badhwar or Mitchell at some other time. Although he was unclear about when he heard the names, Hubbard testified that he heard them from Badhwar or Mitchell, or their informant, Larry.

Hubbard characterized Larry's information as "strictly hearsay." After Hubbard attempted to check out some of the information and consulted with his colleagues and superiors on the D.C. police force, Hubbard testified that they all concluded, "Unless we got something better, something more firm . . . there was nothing we would be in a position to do anything about." Hubbard's colleague, Detective Carl M. Shoffler, who was involved in this assessment, testified "that it didn't appear that there were things that we were going to be able to prove . . . and I was suspicious in the sense that I felt a person of the reputation of Mr. Anderson, if there was some real stuff here, he would probably have written it."

After the meeting with Larry, Geltner said she had nothing more to do with this matter. Her three month internship ended in May 1981 and she left Jack Anderson's office.

(b) Anderson and Hubbard Connect with Representative Dornan

Hubbard testified that on the same day Mitchell, Badhwar and he met Larry, someone suggested that Representative Robert Dornan "would agree to lending some fashion of creditibility to a cover" for Hubbard's investigation.

Hubbard said he had met Dorman in approximately 1980 when he testified before the House Select Committee on Narcotics Abuse and Control, on which Dornan served. Hubbard testified that Dornan had assured Hubbard of "any future cooperation of himself or the [Committee]" in combatting the drug problems.

In his undercover role as attorney Mike Lewis, Hubbard felt handicapped by his inability to give suspects an office telephone number to contact him. Hubbard believed Dornan might give him a "phone drop"—a telephone number he could give suspects who wished to verify his employment on the Hill. Under Hubbard's plan, if someone called Dornan's office and asked for Mike Lewis, the secretaries would respond that Mike Lewis was unavailable and take a message. Hubbard would then contact Dornan's office for messages and return the calls.

A few days later, in late March or April 1981, Hubbard, Badhwar and Mitchell met Representative Dornan in his office. At their request, Dornan established the "phone drop" for Hubbard. Dornan confided this arrangement to Lynn Harvey, his assistant, to whom all calls for "Mike Lewis" would be referred. On January 15, 1983, Jack Anderson took credit for setting up this arrangement:

> I learned two years ago that a drug ring was operating under the Capitol dome. I learned that Members of Congress were violating the drug laws that they helped to pass, so I arranged with California Congressman Robert Dornan to provide a cover for a narcotics agent. The agent, Detective Michael Hubbard, posed as a member of Dornan's staff. He made contact with the people I named and infiltrated the drug ring. The investigation lasted several months. In the end, he arrested the ringleaders and seized a quarter-million dollars worth of cocaine in their possession. Some of the ringleaders were congressional aides. They named their customers, including more than a dozen Members of Congress. [Jack Anderson Confidential, WJLA-Television, January 15, 1983.] (Appendix O)

Representative Dornan testified that his impression was that "they were involved in an undercover cocaine operation that they thought involved Hill staffers, and I emphasize Hill staffers. . . . I had no idea any Members were under question in any investigation at all. . . ." Harvey, who attended only the end of the meeting, testified that it was her "impression . . . that they were referring more to staff."

Hubbard testified that Badhwar and Mitchell mentioned to Representative Dornan the names of the Members of Congress in Geltner's memo as well as those provided by Larry, Badhwar or Mitchell. Representative Dornan testified that he told Hubbard, "I don't want to know anything about what you develop, because . . . it can interfere with a normal flow of my dealing with another Member. . . . Just let me know when you break [a case]." Whatever anyone said at the meeting, Hubbard testified under oath that at the time (in the Spring of 1981) he had no evidence with respect to any of these Members and that they had been supplied to him by Badhwar and Mitchell.

(c) Hubbard's nightclub and restaurant investigation

Hubbard testified that he gave Representative Dornan's office telephone number "reasonably freely to the people I was dealing with at that time, and I received a total of . . . approximately six or eight phone messages. . . ." Representative Dornan did not know how many calls Hubbard received. Harvey did not remember whether Hubbard received any calls.

During the course of this investigation, Hubbard testified that he did not develop any evidence of wrongdoing on the part of those congressmen and Hill employees who had been named by Badhwar, Mitchell, and Larry. He heard rumors about two congressmen not mentioned by Anderson's reporters. One rumor concerned a Congressman who was said to have an ownership interest in a club under investigation, and said to be "a consumer of cocaine and . . . cocaine was consumed fairly widely and somewhat indiscreetly on the premise at the [club]." The other rumor covered an allegation that a congressman was a consumer of cocaine and that there were "persons who attempted to gather the inside track with [the congressman] by insuring that whenever he wanted cocaine it would be made available for him." Hubbard testified that he never substantiated either of these rumors. Hubbard heard other general rumors that unnamed congressmen and others connected with the Hill had been "served" cocaine in a restaurant, but he testified that he never received or developed any support for those rumors.

Hubbard testified that, in September 1981, the nightclub and restaurant investigation was terminated: another Inspector "took over [the intelligence unit] and it was decided we would no longer make substantive cocaine buys; that our primary function would be strictly gathering of information. . . ."

Hubbard complained that although he had purchased some small quantities of cocaine while working undercover, no arrests were made and the United States Attorney's office declined prosecution. But none of Hubbard's purchases were from Members or employees of the House of Representatives.

(d) The investigation of Marshall, Finkel, and Todd

Detective Carl Shoffler, Hubbard's colleague, testified that in late 1981 or early 1982, he obtained information about "a substantial dope peddler." In December 1981, Shoffler and Hubbard obtained a search warrant, seized narcotics from the alleged peddler's house, and arrested him and a woman who agreed to assist the government. According to Hubbard, the woman's knowledge of narcotics use on the Hill was "very sketchy; she had heard bits but nothing specific pertaining to the Hill." However, the woman did mention a Robert Finkel and his contact, who was known to her only as "Douglas". Hubbard testified that "Douglas" was described as an attorney who did not practice law. Hubbard said he suspected that the reference might be to Douglas Marshall, subject of the Geltner memorandum. Hubbard testified that this was the first time that he had received information relating back to the information received from Badhwar and Mitchell.

Hubbard did not have available a sufficient amount of "flash money" to make a deal with Marshall, so he solicited the assistance of a Drug Enforcement Administration (DEA) task force. DEA agents negotiated the purchased of cocaine from Marshall and Robert Finkel. Immediately after the transaction, on April 19, 1982, the DEA agents arrested Marshall and Finkel, as well as a third person, Troy Todd, whom Finkel and others called the "Godfather." They also seized at Marshall's residence cocaine which Hubbard testified the DEA valued at $250,000.

Hubbard testified that following the arrests and while awaiting the signing and execution of the search warrant, he sat with Marshall in the kitchen and discussed the possibility of cooperation. According to Hubbard, Marshall said "I could turn that place [the Hill] upside down. . . . Which side of the Hill do you want? . . . I can take the big side or the little side." Hubbard claims that Marshall mentioned the name of a Senator. Hubbard says he then asked if Marshall knew anything about a certain Representative and claims that Marshall made a gesture which Hubbard understood as an affirmative indication. Hubbard testified that other names, which Hubbard did not recall, may have been discussed. Hubbard testified that Marshall never told him that any Member of Congress or employee of the House of Representatives was using or distributing cocaine or any other drug; Marshall simply indicated that he had some unspecified information about a Senator, whom he named, and a Representative whom Hubbard named.

In his deposition before the Committee, Marshall disputed Hubbard's version of their conversation. He testified that he and Hubbard had a brief conversation, less than a minute, in which Hubbard gave him a card and suggested that Marshall contact him if he wanted to cooperate. Marshall, a law school graduate who had been warned by the arresting officers of his right to remain silent, testified that he took the card but made no statement. He testified that the names of the Senator and the Representative were never mentioned.

Detective Shoffler, who was present during almost all of the Marshall interrogation on the evening of the arrest, testified that, with the exception of routine questions, Marshall did not respond to Hubbard's inquiries. The Special Counsel's office interviewed other officers present on the raid that evening and found none who were aware that Marshall had had such a conversation with Hubbard. Hubbard testified that he took no notes of the conversation and failed to record it in a memorandum, despite the incriminating implications of the statements he said Marshall had made to him.

Hubbard also claims that he learned that evening from Marshall and Finkel about an organized cocaine ring in which Todd supplied the cocaine, Finkel helped process it, and Marshall distributed it on Capitol Hill using low level employees such as tour guides and doorkeepers as couriers. In their depositions, Both Marshall and Finkel denied making any such statements to Hubbard or anyone else.

Hubbard testified that Robert Finkel talked about the existence of an elaborate cocaine ring during an interview by another police detective. Finkel testified as follows:

> *Question.* But there was no joint effort between you, Marshall and Todd to sell drugs on Capitol Hill?
>
> Answer. There was no joint effort and it was never mentioned between us three, never in three years ever mentioned.
>
> * * * * * * *
>
> *Question.* Neither you, Marshall nor Todd maintained a network of pages, tour guides, doorkeepers, or anyone else to distribute cocaine to your customers on Capitol Hill, is that accurate?
>
> Answer. That is accurate.

As far as distribution of cocaine to Members is concerned, Finkel himself testified that, "I never at any time to any law enforcement individual said that I knew of any congressmen using any drug."

(e) Hubbard's relations with other law enforcement officials

Detective Shoffler testified that Hubbard harbored deep resentment over a decision that the intelligence unit would no longer make undercover narcotics buys; an order by his sergeant that he alter the content of his investigative reports; a mix-up concerning the service of subpoenas on United States Capitol Police; the U.S. Attorney's office limiting access to information as a result of leaks;

and what Hubbard perceived as the improper failure of the U.S. Attorney's office to pursue the customers of Marshall, Finkel and Todd. As a result, Shoffler testified, Hubbard began to suspect a coverup.

Hubbard testified that he understood Justice Department policy to be not to investigate end users of drugs as distinguished from dealers, but he strongly disagreed with this policy.

(As the Special Counsel understands Justice Department policy, simple possession of narcotics is usually a misdemeanor offense. Prosecutions for such offenses do not customarily come from investigations initiated from an allegation that someone is in possession of a small amount of drugs. Rather, such prosecutions generally result from situations where someone is arrested for a different offense and where a search uncovers narcotics.)

Shoffler testified that Hubbard argued that allegations of possession should be investigated and prosecuted if the suspects were Members or employees of the Congress. According to Shoffler, Hubbard analogized the situation to a police department internal affairs investigation, where allegations of drug use by law enforcement agents are actively investigated. Hubbard testified that his displeasure with the Department's decision not to pursue this matter led him to contact Jack Anderson's aides Mitchell and Badhwar, and Representative Dornan in the Spring of 1982. From this time on for the next several weeks, Hubbard, Dornan, Mitchell and Badhwar each testified that they were in frequent contact with each other.

DISCLOSURE OF THE LIST

Hubbard testified that, following the arrests of Marshall, Finkel and Todd, he telephoned Representative Dornan to advise him of the arrests and express his appreciation for Dornan's cooperation.

Dornan testified that he was concerned because the Justice Department had "dismissed" the case against Marshall, Finkel, and Todd. Dornan did not realize that in order to comply with the Federal Speedy Trial Act, 18 U.S.C. § 3161(b), the Department had either to dismiss the original charges and bring new ones based on a grand jury investigation, or seek an indictment within 30 days which would have been too short a time in which to carry out a thorough investigation.

Detective Shoffler remembers telling Hubbard that he was leaving Dornan with a false notion that there was a cover-up:

> I got into an argument with [Hubbard] over what I felt was the fact that [Dornan] has been supplied wrong information, because I knew that [Hubbard] had talked to him, because [Hubbard] said he did, and I said, "Michael, you are not doing anybody a service here, if this guy has the impression. He was on T.V. and he was in the newspapers screaming, 'He dropped the case; this is a cover-up.' . . . I said, "Micheal, how could you leave this guy with this impression? You know they are going to drop the case; they aren't going to cover it up; this is what you have to do."
>
> I remember distinctly telling [Hubbard] about that.

In his testimony, Representative Dornan said that Hubbard called him in May or June, 1982, told him that the Justice Department "was about to dismiss their investigation" and asked to see him. Dornan and Hubbard testified that as a result of reports that the Justice Department was not going to implicate Members of Congress, Dornan invited Hubbard to come to his home to discuss the matter. A few days later, Hubbard and Jack Anderson's staffer Mitchell went to Dornan's home. Lynn Harvey was also present. Dornan did not consider Mitchell's presence unusual because Mitchell "had been there when I first made the arrangement to use my office with Hubbard a year and several months earlier."

According to Dornan, Hubbard and Michell discussed the arrests of Marshall, Finkel and Todd, and their concern that the investigation would be dropped. Dornan testified that Hubbard claimed "there was a significant number of congressmen's names that had been developed in this investigation." Dornan testified "that when I first learned from them that Congressmen were involved and I said specifically, 'Don't give me any names. I don't want to hear any names.'" Dornan testified that he did assure Hubbard that he would seek the support of the Select Committee on Narcotics Abuse and Control to prevent a cover-up.

Hubbard testified that Dornan sought the identity of any Members of Congress who might have used or distributed drugs to protect himself. Hubbard testified that Dornan threatened to subpoena this information.

Harvey testified that Badhwar, as well as Mitchell and Hubbard, attended the meeting at Representative Dornan's house. Harvey said that they discussed the Marshall, Finkel, and Todd arrests. She "believed" that the name of one Congressman was mentioned, and others may have been, but she could not remember any names. Harvey testified that it was agreed that "Dornan was to be presented with a written report from Michael Hubbard as to the series of events." She had no recollection of Dornan insisting that he be given no names.

On July 1, 1982 NBC Nightly News reported in its story on Capitol Hill pages and drug use that "A congressman who asked not to be identified told NBC News that he agreed to provide cover and credentials for the agents, to say they worked for him in this House office building." (NBC Nightly News, July 1, 1982.) (Appendix P)

On July 5, Representative Dornan appeared on the CBS Evening News commenting on the story that he had allowed an undercover agent to use his office.

> And since I was a member of the Narcotics Committee, I felt I would be a phony, that it would be the height of hypocrisy for me to be so outraged about narcotic use in this country and then to turn down a legitimate undercover operation that only wanted to credential themselves or headquarter out of my office. So I said yes. (CBS Evening News, July 5, 1982.) (Appendix Q)

According to the testimony of Hubbard, Harvey and Dornan, on July 6, 1982, Hubbard delivered to Lynn Harvey a list of names in a handwritten memorandum dated July 3, 1982 which stated:

> In response to your request for information gathered subsequent to our meeting (April, 1981) the following information is being submitted in confidence.
>
> At the time of our first meeting I had intelligence that Douglas Marshall, former page and White House employee, had formed an organization that was supplying cocaine to a large number of Hill employees and Members. Specific names at that time were [a Senator and two Representatives] . . .
>
> Intelligence gathered during this period of time leading up to and subsequent to the three arrests mentioned indicates that more than one source has indicated the following Members of Congress may be using controlled substances purchased through Marshall's distribution organization." (Appendix L)

Hubbard's memo listed ten names—five former House Members (three of whom were Members at the time Hubbard was writing), four current House Members, and one Senator. Hubbard also wrote:

> There are other Members whose names have come through only one source as well as names that have come to the attention of the undersigned as being involved in homosexual relationships with juveniles. These names include: [One former Member and two current Members]

In his deposition under oath with the Special Counsel, Hubbard testified about this note:

> . . . I then provided [Dornan] with a short handwritten note because I wanted to clearly establish the caveat that this was raw intelligence information; that it was not substantive. At that juncture I didn't see any way in the world we could prove any of these allegations against any of these people unless the case were pursued and even then there was clearly no guarantee that these people had conducted anything of an illegal nature and he allowed as how he was totally aware of that, but he just felt it germane that he be tuned in to the people that may potentially be involved, both for what he termed the safety reasons, his fear for his personal safety and that of his family, and staff, as well as what he termed political reasons, that these people may be knifing him in the back for this reason and be totally not aware of the fact they may be involved in this.

On the day Hubbard gave Harvey the list of names, Dornan was flying to Los Angeles on Air Force II with the Vice-President. When the plane stopped in Oklahoma City, Dornan testified that he called his office and was told the names by Harvey. Dornan testified that he told Harvey that she should never have given him the names since he had represented to the press that he did not have the names. Harvey did not recall any objection from Dornan to learning the names.

Representative Dornan testified that, when Air Force II landed in California, he called Hubbard to see if Hubbard was "willing to testify." Dornan continued:

> [Hubbard] was indicating to me that he was getting a lot of heat from his superiors and that's when I said, "Look, now that I have these names that I didn't want, what evidence do you have against these people?
> That is when he indicated to me that each had been named by at least three sources.

Hubbard testified that he does not recall this phone call, and denies ever saying that he had three sources for each name.

After he learned the names from Harvey, Dornan is quoted by the Associated Press as saying, "Some of the investigators have talked of as many as a half dozen or more . . . I was hoping as a Member of Congress [that] there wouldn't be that many." (Oklahoma City [AP], July 6, 1982). (Appendix S)

The July 7, 1982, Wall Street Journal attributed to Dornan the statement that "At least six congressmen have been uncovered by investigators as 'user-consumers' of cocaine." (Wall Street Journal, July 7, 1982) (Appendix T) A Washington Post article quoted Representative Dornan as saying, "The Congressman should be called before the federal grand jury investigating a cocaine ring that is alleged to have used Congressional employes [sic] to distribute drugs on Capitol Hill." (Washington Post, July 7, 1982) (Appendix U)

On July 6, calling from California, Dornan dictated to his secretary a letter to Representative Leo C. Zeferetti, Chairman of the Select Committee on Narcotics Abuse and Control. The letter, which was delivered the next day, stated:

> Serious allegations involving the sale and use of controlled substances by Members of Congress and congressional staff have come to my attention as a result of an official investigation by the D.C. Metropolitan Police Department and the Drug Enforcement and Administration.
>
> * * * * * * *
>
> The intelligence gathered through the time period leading up to the three arrests of the D.C. cocaine distributors have uncovered names of nine Members of Congress (each named by at least three sources) and at least half a dozen others have surfaced. (Appendix V)

The same day that Dornan's letter was delivered (July 7, 1982), on ABC's "Good Morning, America," Jack Anderson quoted extensively from it. Anderson also reported that morning:

> More than 15 Members of Congress were customers of a cocaine ring that operated on Capitol Hill, the ringleaders have told narcotics agents. Nine of the accused legislators have been identified by at least three drug peddlers. (Appendix W)

In a column on April 27, Anderson citing "[a]n investigative document dated July 3, 1982," (the date of Hubbard's memorandum to Dornan) said that "at least three informants" have provided "incriminating evidence of involvement" by eight Members or former Members with "controlled substances purchased through the [Marshall-Todd] distribution organization." (Appendix X) Anderson claimed he had been aware of the names for more than a year "but . . . withheld them for lack of sworn testimony." He said he was revealing the names now that "the names have been presented to a federal grand jury and the House Ethics Committee." Eight of the nine names were Members or former Members of the House. The characterizing quotes are from Anderson's column:

> Former Representative Barry Goldwater, Jr., who "was secretly taped disussing narcotics with a federal informant named Devon Dupres . . . ."
>
> Representative Ronald Dellums who "has been accused in sworn testimony of purchasing cocaine on the floor of the House." These accusations "reportedly have been corroborated by a taped conversation."
>
> Former Representative Fred Richmond whose former staff members "have told a federal grand jury that he asked them to buy drugs for him."
>
> Former Representative John Burton "who was named by informants."
>
> Former Representative Lionel Van Deerlin who "was also identified by informants" and who "briefly employed one suspect who had refused to testify before the grand jury."
>
> Representatives Charles Wilson, Gerry Studds, and Parren Mitchell for whom "there is no supporting evidence so far as I know" except that they have named by three or more informants."

Anderson's April 27, 1983 article does not tally precisely with Hubbard's July 3, 1982 memorandum to Dornan. Hubbard's memorandum never claims to have three sources for each name; rather it states only that he had "more than one source" for nine names. Representative Wilson's name is not mentioned by Hubbard. Hubbard, on the other hand, mentions Congressman A; Anderson omits that name.

Anderson reported that "investigators" had obtained "incriminating evidence of involvement" by eight Members of the House and one Senator. Hubbard testified under oath that he had only "raw information, not evidence." Hubbard testified that the names originated with the Geltner memorandum, which Anderson staffers Badhwar and Mitchell gave him in 1981, from Badhwar and Mitchell themselves, and from Geltner's informant, Larry. Hubbard testified that he had developed no additional evidence about any of the names.

Thus, Anderson's employees had passed the names to Hubbard; Hubbard had passed them to Dornan; Dornan had passed them on by his pronouncements; and finally Anderson made the names public citing Hubbard "who worked closely with my associates Indy

Badhwar and Jack Mitchell."[4] Detective Carl Shoffler called it "a circle":

> I had some discussion with [Hubbard] about the list of names that he was compiling, about who the sources were, and it was very clear to me that essentially his biggest source was the information he was receiving from Anderson. . .
>
> And when I say Anderson, I mean his office. I don't think he directly spoke to Anderson.
>
> It seemed to me from reading Anderson's articles that clearly [Hubbard] was getting, had the information from Anderson, and then when Anderson was quoting his congressional source or his police source, it was the information he gave to him.
>
> *Question.* So, in other words, your understanding is that the biggest source for the names on the list was Anderson, and that Anderson then, when he wrote his columns, would cite Detective Hubbard as his source?
>
> Answer. Yes.
>
> *Question.* And that is what you meant by a circle?
>
> Answer. Yes, sir.

Following his letter to Chairman Zeferetti and the Select Committee on Narcotics Abuse and Control, Dornan was scheduled to appear before the Select Committee on July 13, 1982. Shortly before that appearance, Hubbard claimed that he contacted Dornan to persuade him not to make the names public. Hubbard testified, "I told [Dornan] that he should be reminded of the fact that the names I had provided him subsequent to his request were intelligence information, raw information which was certainly not prosecutable by any stretch of the imagination and that type of thing."

When Dornan did appear before the Select Committee on July 13, 1982 he did not name anyone. The Select Committee determined that these allegations were more properly within the jurisdiction of the Committee on Standards of Official Conduct. Dornan testified that he did, however, disclose the names to representatives of the Department of Justice.

3. FINDINGS AND CONCLUSIONS

The Special Counsel's office made an exhaustive effort to trace the many rumors and allegations that emerged from the voluminous, confusing and often contradictory testimony presented by Representative Dornan, Detective Hubbard, Lynn Harvey, Douglas Marshall and dozens of others involved in this episode. Many of the contradictions will never be resolved. However, the Special Counsel believes that one central conclusion emerges from the evidence: In July of 1982, when Detective Hubbard transmitted to Representative Dornan the list of names of Members gathered in his investigation and when Representative Dornan made public the existence of this list, the list was based on hearsay information supplied to Hubbard by Anderson's staff and their informant Larry, more than a year before.

---

[4] There is some indication that Dornan may have given Hubbard's handwritten memorandum setting forth the nine names to Anderson. Hubbard testified that he did not keep a copy; yet a copy appeared in the documents disclosed by Anderson in a libel suit filed by former Representative Van Deerlin against Anderson.

Hubbard repeatedly testified during his three depositions with the Special Counsel that he had no evidence linking these Members with cocaine. Hubbard testified that the information underlying the names "was far from any evidentiary standard . . . not even approximating probable cause."

With regard to the list, Hubbard testified as follows:

> Though people had mentioned these names, these were strictly raw—I probably used the term "raw intelligence information"—that it didn't indicate they had done anything wrong or they were indictable, but that the names had come up and had the case proceeded further, it may have gone in that direction.

Hubbard testified under oath to the Special Counsel that during the investigation he developed no evidence regarding drug use by any Member.

> *Question.* And I suspect this question has been asked in a different form, but just to be clear, is it correct that during the course of the investigation you never developed anything that would approach hard evidence on any of these original groups of people who you got from [Larry] and from the Jack Anderson people, is that correct?
>
> Answer. Yes, sir.

As to the source of the names he had on his list, Hubbard testified that:

> *Question.* As I understand it, there was nobody with respect to any of those people who told you they had personal firsthand knowledge, leaving aside what Mr. Marshall may have told you when you arrested him, aside from that nobody said they had personal firsthand knowledge of any of these Members purchasing any drugs?
>
> Answer. Even [Marshall's] conversation with me was not that pointed to give that definitive information. So that is correct.

None of the nine Members named by Hubbard, Dornan, and Anderson are mentioned in Hubbard's files despite the Detective's testimony that he recorded virtually any allegation with respect to any individuals. Moreover, each of the current Members on Hubbard's list have filed an affidavit denying the use or distribution of cocaine or any other drugs.

Indeed, only one current congressman, not one of the nine, is mentioned in Hubbard's files as having been rumored to use cocaine. That congressman had been accused by a police informant of always wearing a particular device to store cocaine. Personal observation of the Congressman by D.C. police officers demonstrated the accusations were false. He was never seen wearing the device, and the matter was dropped.

Hubbard's posture with the media contrasts with his testimony that the names he had received were based on hearsay, gossip, and rumor. For instance, UPI reported that:

> Michael Hubbard, a District of Columbia police detective who worked on the case in its initial stages, told UPI last week the Capitol Hill investigation was halted at the very time it should have concentrated on charges congressmen were involved. Hubbard said it could have gone on to involve at least a dozen Members of Congress, but prosecutors did not want to press charges against Members for simply using small amounts of drugs. (Appendix Y)

The Special Counsel's investigation has not substantiated Hubbard's claim to the press that following up on the Marshall arrest would have resulted in cases against Members of Congress.

As Detective Shoffler stated:

> Michael Hubbard is in my opinion a very aggressive detective whose integrity and honesty shouldn't even be challenged. However, I guess even using the word judgment is a little strong. I think that particularly Indy Badhwar I think, and the illusion of Jack Anderson's office, I think it got him starstruck.
>
> I think they had him so spun up and wound up with his crusade to stamp out evil that he lost sight of where he was going. That is my opinion. I think they just churned him up and spit him out.

Dornan's own statements establish that he did not have sufficient basis for making the charges he made to the press. Dornan testified that, although Hubbard had told him he had three sources for each name, Dornan was unaware of the nature of the evidence against the congressmen. When asked whether Hubbard or Mitchell gave him "any indication of how solid the evidence was against these unnamed Members of Congress," Dornan replied, "No, no, and I didn't probe that either."

Anderson's files and Hubbard's testimony reveal that Hubbard was in frequent contact with Anderson's staff. We may never know exactly who told whom what. But Anderson's columns contrast with Hubbard's sworn testimony. For example, in his column published on April 11, 1983 (Appendix Z) Anderson alleged that Hubbard "managed to accomplish" at least two things which Hubbard under oath denies doing.

Anderson wrote:

> Hubbard produced "[e]vidence from three witnesses that Rep. Ronald V. Dellums, (D-Calif.) purchased illegal drugs"

Hubbard testified:

> *Question.* Again as I understand your testimony, there were no three witnesses that told you that Dellums had purchased drugs.
>
> Answer. Here again I can't validly interpret what [Anderson's column] means by this, but what you are saying is correct.

Anderson wrote:

> Hubbard produced "[e]vidence against other members of Congress, including at least one check used to pay for drugs."

Hubbard testified:

> *Question.* He also said you produced evidence against other Members of Congress, including at least one check used to pay for drugs.
>
> First of all, do you remember him saying that in that column?
>
> Answer. Yes, sir.
>
> *Question.* Did you produce that kind of evidence?
>
> Answer. No, I didn't produce a check.
>
> *Question.* Did you know where that check came from?
>
> Answer. Excuse me one second.

(Witness confers with counsel)

> Answer. During Detective Bradley's debriefing of Robert Finkel, I understand that Finkel made information that [a Member's child] had paid for cocaine with a check, but I never saw nor obtained that check and I don't know whether DEA ever obtained that check or I don't know the status of the inquiry at all.
>
> Quesiton. Were you present for that part of the debriefing of Mr. Finkel?
>
> Answer. No, sir.
>
> Question. This was not a Member of Congress, but the offspring of a Member of Congress?
>
> Answer. That is correct, sir.

CONCLUSION

The Special Counsel's office has interviewed and deposed Hubbard (on three occasions), Dornan, and Lynn Harvey, has interviewed or deposed the Department of Justice investigators and prosecutors who investigated this matter, Geltner, Marshall, Finkel, Todd, Devon Dupres, Brad Marshall, and those individuals whom Hubbard alleged were couriers for the ring, and has reviewed the investigative files maintained by Hubbard while working undercover.

The Special Counsel requested the opportunity to meet with Anderson staff members Indy Badhwar and Jack Mitchell. The attorney for Anderson, Mitchell, and Badhwar initially agreed to such a meeting on behalf of Badhwar (the attorney had not yet spoken to Mitchell) and stated that Anderson, too, would like to attend. Then the attorney cancelled the meeting and said that Anderson alone would be willing to meet, but only in a public session of the Committee. The Special Counsel wrote the attorney and scheduled the depositions of Anderson, Mitchell, and Badhwar in executive session, stating:

> [T]he Committee is inviting the testimony of Jack Anderson, Jack Mitchell, and Indy Badhwar. Their depositions are scheduled for November 2, 1983 at 9:30 a.m.

> (Mitchell), 10:30 a.m. (Badhwar), and 11:30 a.m. (Anderson). As with all other depositions the Committee has taken pursuant to the Committee's Rules, the depositions will be taken in executive session to protect against potential damage to individuals which could result from making public allegations that have not been investigated and verified by the Committee.

The full text of this letter appears at Appendix AA. Anderson, Mitchell, and Badhwar declined to attend.

Based on the testimony and interviews conducted and documents reviewed, the Special Counsel concludes that the allegations concerning seven of the nine current Members of Congress have their origin in rumor, hearsay and gossip and are not supported by any substantial evidence. Hubbard's own testimony makes clear that he had no evidence concerning three of the seven Members mentioned in his handwritten note to Dornan. Hubbard mentioned two other Members during his deposition, but only on the basis of the vaguest hearsay; he testified that he had no evidence concerning them. The Drug Enforcement Administration provided the names of two Members who were speculated about by a former Member whose words were recorded by a taped undercover DEA source. That former Member has testified under oath that he had no knowledge or evidence of any drug use by those two Members.

The Special Counsel's investigation uncovered no evidence of any use or distribution of drugs by these seven Members. Nevertheless, the Special Counsel requested each of the seven Members to submit sworn statements concerning their use and distribution of drugs. Each Member [illegible]d with an affidavit denying any use or distribution of illegal [illegible].

B. Alleged Drug [illegible] of Representative Charles E. Wilson

The Special C[illegible]ived and investigated allegations that Representative [illegible] E. Wilson of Texas purchased or used drugs on several occasions in 1979 and 1980. Three witnesses made five groups of allegations concerning Representative Wilson's use of narcotics.

> Paul Ripley Brown accused Representative Wilson of using drugs during a weekend trip to Las Vegas in June 1980.
>
> Brown accused Wilson of using drugs during a vacation trip to the Cayman Islands in late summer 1980.
>
> Elizabeth Wickersham testified that Representative Wilson used cocaine during another vacation trip in the Cayman Islands in the summer of 1980.
>
> Wickersham testified that Representative Wilson used marijuana on several occasions in the District of Columbia.
>
> Devon Dupres testified that she was present on one occasion when Douglas Marshall, a cocaine dealer, sold cocaine in 1979 or 1980 to a man who said he was purchasing cocaine on behalf of another person, whom Dupres understood to be Representative Wilson.

In the Fall of 1982, the Justice Department undertook an investigation of the allegations relating to Representative Wilson. On July 27, 1983, the Department of Justice notified the Special Counsel that:

> After conducting a complete investigation of these allegations, we have determined that, in addition to jurisdictional problems with respect to some of these allegations, there is insufficient admissible, credible evidence to support criminal charges against Representative Wilson. (Appendix H)

In the same communication, the Department stated that it would make "all nonprivileged materials" available to the Committee on Standards of Official Conduct and the Special Counsel immediately. The following day, July 28, 1983, Chairman Stokes requested the information (Appendix K) but the Department did not provide it until October.

The Special Counsel had already begun a parallel investigation of allegations relating to Representative Wilson to determine if any of the alleged drug activities related in any way to the House of Representatives. Representative Wilson cooperated with this investigation by voluntarily submitting to a deposition, although he declined to answer questions relating to one allegation that he used cocaine in the Cayman Islands on the grounds that the allegation is outside the Committee's jursidiction. He also submitted, through counsel, certain language which he wished to have included in the Committee's report. His counsel's letter submitting that language is attached as Appendix BB to this report.

Based on the results of the investigation, the Special Counsel recommends that the Committee not initiate any disciplinary proceedings against Representative Wilson. With respect to four of the five allegations against Representative Wilson, the Special Counsel finds that the allegations are outside the scope of H. Res. 518 and H. Res. 12. Even if these allegations were within the scope of the investigation, the Special Counsel finds that the evidence is insufficient to support the issuance of a Statement of Alleged Violation. The fifth allegation—that a person purchased cocaine from Douglas Marshall on Representative Wilson's behalf—could fall within the scope of H. Res. 518 and H. Res. 12 since the person who allegedly purchased the cocaine could have been a House employee. That allegation, however, is based on hearsay and speculation and is not supported by any evidence. Accordingly, the Special Counsel finds no basis for the Committee to issue a Statement of Alleged Violation.

The Special Counsel sets out below the evidentiary basis for his findings and conclusions. In view of the publicity which the charges against Representative Wilson have received, the integrity of the House and the Committee require that the public understand the investigation that was carried out, the evidence that was developed, and the basis for the Special Counsel's conclusion that no action is warranted with respect to any of these allegations.

1. PAUL RIPLEY BROWN

Paul Ripley Brown met Representative Wilson in 1977, when Brown was a lobbyist for a trucking company. In December 1981, Brown was indicted on four counts of wire and mail fraud. Representative Wilson was the primary complaining witness against Brown. Brown ultimately pleaded guilty to one charge of wire fraud relating to the embezzlement of $29,000 obtained from Representative Wilson and was sentenced to six months in jail and four-and-a-half years probation. During the course of plea negotiations, Brown told Department of Justice officials that he had knowledge of cocaine use by Representative Wilson. Brown passed a lie detector test administered by the Drug Enforcement Administration with respect to these charges, but the charges are disputed by other witnesses and could not be corroborated.

(a) Brown's allegations about Las Vegas

All witnesses agree that during the weekend of June 27–29, 1980, Representative Charles Wilson and a friend, Elizabeth Wickersham, visited Las Vegas at the invitation of Paul Brown. Representative Wilson, Wickersham, Brown, and a friend of Brown, David Wood, shared a suite for the weekend at a Las Vegas hotel. The witnesses' stories as to what happened during the Las Vegas weekend vary considerably.

(1) Brown's Testimony.—Brown alleges that after he invited Representative Wilson to Las Vegas in June 1980, he and the Congressman discussed the availability of cocaine. Brown claims that Representative Wilson initiated this topic of conversation during a telephone call and that it was the first time he became aware that Representative Wilson used cocaine. Brown testifies to a series of charges, alleging as many as nine different instances during the three day weekend that Representative Wilson either used or purchased cocaine, in the presence of others.

(2) Testimony of Other Witnesses.—With one exception, no witness corroborates any aspect of Brown's allegations about the Las Vegas trip. Elizabeth Wickersham and Representative Wilson dispute Brown on every point.

In her deposition, Wickersham admits that cocaine was present in the hotel suite during this trip to Las Vegas. According to Wickersham, Brown told her "there was going to be cocaine", and Wichersham and Wood used some cocaine early Sunday morning when Representative Wilson was asleep. But she denies seeing Representative Wilson use cocaine or seeing anyone else use it in his presence either in Las Vegas, on the return airplane flight, or in Washington on Sunday at the end of the trip.

Wood denies ever seeing Representative Wilson use cocaine and contradicts Brown's testimony on a number of particulars, although he provides some corroboration as discussed below for one of Brown's charges.

The Special Counsel's staff examined employment records and interviewed a number of employees of the hotel where Representative Wilson and his party stayed in Las Vegas, in an effort to identify bellmen who might have provided cocaine to the Wilson party.

All employees identified as possible sources denied having supplied the cocaine.

The Special Counsel's staff also obtained sworn statements from a witness whom Brown alleged witnessed one instance of cocaine use in Las Vegas; from the chauffeur who drove Brown, Representative Wilson and Wickersham on Sunday evening, when Brown alleged cocaine was used in the car; and from Wickersham's father, whom Brown alleged witnessed cocaine use on Sunday evening. The Special Counsel's staff also took the deposition of a Wilson staff aide whom Brown alleged witnessed cocaine use on Sunday evening. While the statements of these witnesses are inconsistent in some respects, none of the witnesses support Brown's allegations.

(3) Wood's testimony.—Brown's friend, David Wood, provided some corroboration for one aspect of Brown's story. Wood testified that on Saturday, June 28, 1980, at around 3:30 p.m., in the hotel suite in Las Vegas, Brown made a number of telephone calls to a bellman to try to purchase cocaine. He testified that everyone, including Representative Wilson, "knew what he [Brown] was up to on the phone," and that "It seemed like to me that he looked in the Congressman's direction and told him the amount; that the cocaine could be bought and the price of the cocaine." Wood testified that he "[had] no doubts" and "felt very strongly" that Representative Wilson contributed money towards the purchase. But he testified that he did not recall the Congressman's response to Brown and he did not recall if he had actually seen Representative Wilson hand money to Brown.

(4) Representative Wilson's Testimony.—Representative Wilson denied seeing, possessing, purchasing, or using cocaine at any time during the Las Vegas weekend. Representative Wilson specifically denied every allegation made by Brown. Representative Wilson testified that he vaguely recalled a conversation between Wood and Brown about "stuff that keeps you awake at night," and references to that might have concerned the purchase of cocaine but he recalled no telephone call to a bellman.

Representative Wilson testified, "a general presumption that I made was maybe [Brown was] looking for a bellboy to buy some cocaine, but I certainly would not testify to that or make an accusation to that effect."

Representative Wilson testified that Brown never quoted him a price for cocaine and that he never gave Brown any money to purchase cocaine. The only money he gave Brown was when Brown was "short of cash." The loan, which was $20 to $30, occurred during dinner on Saturday evening.

(5) Analysis.—Wood, Brown, and Representative Wilson all agree that a conversation occurred on Saturday afternoon that concerned that purchase of cocaine. Wood recalls a telephone call in which Brown told Representative Wilson that cocaine was available and that it was available at a particular price. Even crediting Wood's testimony, Wood was not clear on two critical elements:

(1) he did not recall Representative Wilson's specific response to receiving this information about the availability and price of cocaine;

(2) Wood "didn't know if I can actually say I saw [Representative Wilson] give some money to Paul."

Representative Wilson, on the other hand, testified that this transaction never took place and that Brown was trying to buy cocaine, possibly for Brown and Wood, but that he himself did not participate in the purchase. Other witnesses denied Brown's allegations.

On this state of the record, even crediting Wood's testimony, there is insufficient evidence to provide any basis for concluding that Representative Wilson participated in a purchase of cocaine.

There is no evidence whatsoever that such a purchase, even if it occurred, took place within the Capitol or House offices, involved the acquisition of illegal drugs through House staff or House funds, or otherwise would fall within the scope of H. Res. 518 and H. Res. 12.

(b) Brown's allegations about the Cayman Islands

(1) Brown's testimony.—

Brown testified that he went to the Caymen Islands in the late summer of 1980 and that Representative Wilson was there when he arrived. Brown testified that Wilson accompanied by a Wilson, aide, the aide's date, and Elizabeth Wickersham.

Brown stayed in the same condominium complex in which Representative Wilson's party stayed, but in separate accommodations.

Brown testified that Representative Wilson had cocaine and marijuana in his possession or the Caymans, that Wickersham, Representative Wilson, and he used cocaine on several occasions, and the Representative Wilson and Wickersham used marijuana. Brown testified that the Wilson's aide was sometimes present when they used the cocaine, but she did not use it herself.

(2) *Testimony of other witnesses.*—Elizabeth Wickersham, Representative Wilson and the Wilson aide have all stated under oath that Brown's testimony is false. All agree that Brown came to the resort uninvited and stayed in a separate apartment. Representative Wilson and his aide denied seeing anyone, including Brown, in possession of cocaine. Indeed the only witness who professed to have been aware of any evidence of drug use was Elizabeth Wickersham. On one occasion she smelled marijuana after coming aboard ship following a night scuba dive. She testified that there were several people on the boat, that she did not see the marijuana, and that she did not see anyone use it.

(3) *Analysis.*—As with most of his testimony about the Las Vagas trip, Brown's allegation about the Cayman Islands incident is unsupported by the testimony of a single witness. Every other witness has sworn under oath that Brown's claim that Representative Wilson either possessed or used cocaine and marijuana is false.

There is no evidence that the allegation falls within the mandate of H. Res. 518 and H. Res. 12.

2. ELIZABETH WICKERSHAM

(a) Wickersham's allegations about the Cayman Islands

(1) Wickersham's testimony.—Wickersham testified that she, Representative Wilson, and a Wilson aide had taken an earlier trip to the Caymans in the summer of 1980, when Paul Brown had not been present. They stayed at Whithall Gardens, the home of Kenneth Cunningham, Paul Brown's employer and a friend of Representative Wilson. During this vacation, Wickersham testified that she saw Representative Wilson use cocaine in the living room of Cunningham's house. She said that the Wilson aide was not present, and that she did not know where this cocaine came from. Wickersham testified that she took a photograph of Representative Wilson using cocaine because he "just looked silly and it was quite unusual . . . to see a Congressman do that." She testified that she no longer has the photograph in her possession and does not know where it is. Wickersham testified that she did not recall seeing anyone else use narcotics on this trip to the Caymans.

(2) Representative Wilson's testimony.—Representative Wilson testified that he never transported any controlled substance from the United States to the Caymans or purchased any controlled substance in the Caymans. On the advice of his counsel, Representative Wilson, refused to answer questions concerning his possible use or possession of a controlled substance in what he characterized as a "purely private setting," unrelated in all aspects to his official duties as a Member of the House of Representatives. His counsel took the legal position that such an inquiry is beyond the scope of this investigation, and that Representative Wilson would not respond to such questions unless directed by the Committee to do so. The Special Counsel recommended that the Committee not direct Representative Wilson to respond, because, even if the allegation were true, it was beyond the scope of H. Res. 518 and H. Res. 12. The Committee did not direct Representative Wilson to respond and he did not do so.

(3) Analysis.—No witness could be in a position to corroborate Wickersham concerning this allegation except Representative Wilson, who did not testify about it. Even assuming that Wickersham is correct, there is no evidence that the incident falls within the scope of H. Res. 518 and H. Res. 12.

(b) Wickersham's allegations about Washington, D.C.

(1) Wickersham's testimony.—In her deposition before this Committee and in an affidavit submitted to the Drug Enforcement Administration, Wickersham testified that she believed she observed Representative Wilson use marijuana on three occasions.

Wickersham testified that she saw Representative Wilson use marijuana on on occasion in a gathering with three other people. Wickersham did not recall when this gathering took place. Wickersham also testified that there were two other occasions in Representative Wilson's townhouse when she observed him smoke marijuana. No one else was present.

(2) Testimony of other witnesses.—All the other persons present at the gathering on the evening when Representative Wilson alleg-

edly used marijuana were deposed. All denied seeing anyone use marijuana.

(3) Representative Wilson's testimony.—Representative Wilson denied under oath that used he or that he saw anyone else possess or use any controlled substance, including marijuana, at the gathering described by Wickersham. He also denied under oath ever using marijuana in the District of Columbia.

(4) Analysis.—Wickersham's allegations about Representative Wilson's use of drugs in Washington are either uncorroborated or contradicted.

There is no evidence that these events fall within the scope of H. Res. 518 and H. Res. 12.

3. DEVON DUPRES

(a) Dupres' testimony

Devon Dupres was a former girlfriend of both Douglas Marshall and Troy Todd, two convicted cocaine dealers. She testified that at some point in either 1979 or 1980 she and Douglas Marshall and Douglas' brother Brad were present at the Marshall residence when a man purchased some cocaine, allegedly for another person who may have been Representative Wilson. She testified that Robert Finkel may also have been present. She was not present for the entire transaction, but "I believe he said something about—I don't know if I said Charley Wilson or whether he said Charley." After the man left, there was further conversation about whom he was purchasing drugs for:

> There was some comment or something, I am not really sure exactly who made it or what it was, as to whether . . . whether it was Charley Wilson or not. And [Douglas Marshall] wouldn't dignify it with an answer yes or no. Later on when I was alone with [Marshall] he wouldn't even tell me. I said, "Does he do drugs?" And he said you would be amazed at the people out there who do drugs.

(b) Testimony and information from other witnesses

Robert Finkel, who cooperated fully with the Special Counsel's investigation, denies being present when this incident occurred. Brad Marshall, whom Dupres recalls being there, denies that he was ever present when such a transaction occurred.

Investigators for the Special Counsel determined that only one former Wilson staff member, an intern on the Wilson staff for a period of one month in the summer of 1980, fit Dupres' description of Marshall's customer. The intern stated that he was never asked to pick up or deliver anything he believed to be narcotics for Representative Wilson.

Representative Wilson and Douglas Marshall acknowledge having known each other, but both swore that Representative Wilson had never purchased cocaine from Marshall.

(c) Analysis

Dupres does not claim to have first-hand knowledge that the transaction in question was on behalf of Representative Wilson or even to have received clear information to that effect from anyone else. The absence of any other supporting testimony, plus Marshall's flat denial, strongly suggests that Dupres was mistaken about what was going on. The Special Counsel finds no evidence that would justify a disciplinary proceeding against Representative Wilson.

4. CONCLUSION

Pursuant to the Committee's mandate under H. Res. 518 and H. Res. 12, the Special Counsel has thoroughly investigated all allegations of illicit drug activity involving Representative Wilson, to determine if any of these alleged activities were within the scope of these resolutions.

The investigation determined that only one allegation was even potentially within the Committee's mandate, in that a person who might have purchased cocaine for Representative Wilson might have been a member of his staff. There was no evidence whatsoever to support this allegation. On the basis of these facts, no disciplinary proceeding is justified.

With respect to the other allegations, the evidence was weak and the Department of Justice has declined prosecution. In all cases, the Special Counsel finds there is no evidence that the alleged incidents were within the scope of the Committee's mandate pursuant to H. Res. 518 and H. Res. 12.

The Special Counsel has therefore recommended against any disciplinary proceeding with respect to Representative Wilson.

Alleged drug involvement of Representative Ronald V. Dellums and his special assistant, John C. Apperson

On March 15, 1983, the Committee opened Preliminary Inquiries regarding alleged drug involvement of Representative Ronald V. Dellums and his Special Assistant, John C. Apperson. Since the allegations against Representative Dellums and Apperson are so intertwined, the Special Counsel has investigated them jointly and sets out in this section his findings and recommendations with regard to both individuals.

The Committee voted the Preliminary Inquires on the basis of allegations made under oath by Robert T. Yesh, who at that time was Majority Assistant Cloakroom Manager in the House.

When Yesh originally made his allegations to the Special Counsel, the Special Counsel asked him to take a lie detector test. Yesh agreed to such a test, and Yesh was given a polygraph examination with regard to the allegations relating to Representative Dellums and Apperson. Yesh passed this polygraph examination. Only after Yesh passed the polygraph examination and submitted a sworn statement setting out his allegations under oath did the Special Counsel recommend to the Committee that it initiate a preliminary inquiry. Yesh subsequently passed two polygraph examinations covering the same subjects conducted by the Drug Enforcement Administration, and pled guilty to a charge of conspiring with Representative Dellums and Apperson to obtain cocaine.

The Special Counsel's office interviewed or deposed more than 75 individuals who served on Representative Dellums' Washington and California staffs or on the staff of the Committee on the District of Columbia, of which Representative Dellums is chairman.

The Special Counsel's investigation yielded no evidence to corroborate any portion of Yesh's statements and produced no evidence of drug use of distribution by Representative Dellums.

With regard to Apperson, the Special Counsel's investigative uncovered no evidence to corroborate the sworn statements of Yesh. It did yield two vague allegations of drug use that were either wholly uncorroborated or contradicted by sworn testimony of others.

The Department of Justice also investigated Representative Dellums. On July 27, 1983, the Department of Justice announced that "it is closing its investigation of" Representative Dellums. In a letter to the Special Counsel of July 27, 1983, the Department of Justice wrote:

> After conducting a complete investigation of these allegations, we have determined that there is insufficient admissible, credible evidence to support criminal charges against Representative Dellums.

The full text of this letter appears at Appendix I.

In its letter to the Special Counsel, the Justice Department offered to provided all non-privileged materials that it developed in the course of its investigation. "Chairman Stakes immediately requested the information. The Department provided the information on August 23, 1983. The Department found no evidence to corroborate Yesh's assertions.

1. ALLEGATIONS AGAINST REPRESENTATIVE DELLUMS AND APPERSON

(a) Robert Yesh

In a sworn affidavit provided to the Special Counsel in early March 1983, Robert Yesh testified that during the period 1979 through 1982 he personally supplied marijuana and cocaine to Representative Dellums and John Apperson. He stated under oath that:

> 1. Between 1979 and 1980, he sold marijuana to Representative Dellums on two occasions in the Democratic cloakroom; and sold marijuana to Apperson on at least three occasions within the Capitol building;
>
> 2. Between 1980 and 1982, he sold or supplied cocaine to Representative Dellums on five occasions and sold or supplied cocaine to Apperson on at least three occasions. These sales were alleged to have occurred in the House cloakroom or elsewhere on the Capitol grounds. Yesh swore that on one occasion the sale of cocaine to Represenatative Dellums occurred on the floor of the House and that on another occasion he used cocaine with Representative Dellums and Apperson in Representative Dellums' House Office.

(b) Department of Justice

The Department of Justice said that it provided the Special Counsel with with "all non-privileged materials" obtained in the course of Justice's "complete investigation" of Representative Dellums. The only incriminating allegations provided by the Justice Department to the Special Counsel involving Representative Dellums came from Yesh. Based on the materials provided to the Special Counsel, the Justice Department's investigation turned up no incrimianting evidence beyond Yesh's allegations and developed no evidence to corroborate Yesh.

2. INVESTIGATION OF REPRESENTATIVE DELLUMS' STAFF

In March 1983, the Special Counsel understook an investigation of the allegations made by Yesh against Representative Dellums and Apperson. The Special Counsel interviewed individuals who were in contact with Representative Dellums and Apperson and who might have gained information about drug use or purchase, if any, by Representative Dellums or Apperson. The Special Counsel's office compiled a list of staff members who were in positions to be knowledgeable about Representative Dellums' and Apperson's activities. The list included approximately seventy-five names of present and former staffers from Representative Dellums' Washington and California offices and from the Committee on the District of Columbia, which Representative Dellums chaired. The Special Counsel particularly sought out former staffers who would not feel dependent on Representative Dellums for employment.

The Special Counsel interviewed those staffers regarding any information they possessed regarding the use or distribution of drugs by Representative Dellums or Apperson. The Special Counsel also asked these staffers to identify others who may have been in a position to know whether Representative Dellums or Apperson possessed or used drugs either on or off Capitol Hill.

On April 5, 1983, Representative Dellums' counsel wrote the Committee protesting, among other things, the scope of the interviews. (Appendix CC) Representative Dellums' counsel argued that "the investigation is ranging far afield" in inquiring into the "personal and social lives" of Representative Dellums and the interviewees. Representative Dellums' counsel stated that such inquiries were "wholly outside the Committee's authority," arguing that the scope of the Committee's jurisdiction under Rule X, clause 4(e)(1) extended only to investigation of conduct of a "Member, officer or employee in the *performance of his duties or discharge of his responsibilities. . . ." (emphasis in original). On the same day, Apperson's counsel sent the Committee a letter making similar arguments. (Appendix DD).*

On May 19, 1983, the Committee responded to these contentions with regard to the scope of the staff interviews:

> The Committee has firmly concluded that neither it nor its Special Counsel is inquiring into matters outside of the Committee's jurisdiction. The Committee's conclusion in this regard rests on the clear language of H. Res. 518, 97th Congress, and H. Res. 12, 98th Congress. . . .

> [T]he commitee's investigation requires that we seek all potentially relevant evidence—as well as all information (hearsay or otherwise) that might lead to relevant evidence. The Committee believes it has a duty to conduct a thorough investigation. Indeed, Mr. Dellums indicated in his statement to the Committee that he sought exoneration. In that case it is clearly in his best interest—as it would be in the best interest of anyone in a similar position—as well as the Committee's best interest to have the Committee conduct an exhaustive and meticulous investigation
>
> The Commitee and its staff are sensitive to the concerns of privacy, and the Committee and the Special Counsel have instructed the staff to minimize the inevitable intrusions into private lives. The Committee believes that it must inquire, at least at the investigative stage, about any evidence of crimes that fall within H. Res. 12 and H. Res. 518. Specifically, the Committee intends to inquire about illicit use and distrubution of drugs off Capitol Hill, particularly as those inquiries may lead to evidence or use or distribution on Capitol Hill.

The full text of this letter appears at Appendix EE.

(a) Interviews

About the beginning of April 1983, the Special Counsel's office began interviewing Representative Dellums' staff. The more than 75 interviews produced no evidence to corroborate Yesh's allegations regarding use or distribution of drugs by Representative Dellums or Apperson. None of the interviews generated any evidence at all about drug use of any kind by either Representative Dellums of Apperson. In the interviews, a number of witnesses refused to answer questions regarding what they alleged to be private activities of Representatives Dellums and Apperson, questions regarding what the interviewee had heard, or questions seeking to identify individuals with whom Representative Dellums or Apperson socialized. For example, a staff member in Representative Dellum's district office, when asked whether he soliclized with Representative Dellums outside a professional setting, was instructed by his attorney not to answer any questions regarding his social life even as it related to Representative Dellums.

(b) Depositions

Approximately 18 of the more than 75 individuals interviewed were deposed. Generally, the Special Counsel deposed individuals who had been alleged to have knowledge relevant to the investigation; who refused to answer a significant number of questions or provided ambiguous or otherwise insufficient responses; or who were believed to have developed a close professional or social relationship with Representative Dellums or Apperson.

With several exceptions, Representative Dellums' staffers answered all questions put to them during the course of the depositions.

All deponents denied any knowledge of—or even having heard anything outside the media with regard to—Representative Dellums having possessed, purchased or used drugs.

With respect to Apperson, two vague allegations were made by two witnesses. One involved an event five years ago which the witness himself could not be certain involved drugs. The other involved Apperson's attendance at a party where drugs may have been present. But other witnesses who were at the party denied seeing any drugs there.

None of the depositions yielded any testimony to corroborate Yesh's allegations.

3. YESH'S CREDIBILITY

Although Yesh did pass three lie detector tests concerning his sworn statements about Representative Dellums and Apperson, the Special Counsel believes the Committee must take note of these facts:

> First, Yesh made his accusations against Representative Dellums and Apperson as part of a plea bargain with the Department of Justice;
>
> Second, Yesh was an alcoholic and drug user for many years;
>
> Third, Yesh appeared as a witness in the Committee's hearing on charges against James Howarth. In that hearing Yesh could not remember any details of any events—a failure of memory that extended even to the year in which events occurred. Based on Yesh's testimony and demeanor in that case, the Committee did not find his testimony a sufficient basis on which to rest disciplinary action against an employee.

4. OTHER ALLEGATIONS REGARDING REPRESENTATIVE DELLUMS

In the course of his investigation, the Special Counsel did receive two wholly unrelated allegations concerning drug use by Representative Dellums. One individual saw Representative Dellums in the locker room of the Rayburn Building gymnasium make what he interpreted to be a drug-related gesture. The Special Counsel deposed this individual who swore under oath that he was uncertain about the significance of what he had seen and could provide no specifics to support his earlier allegation. Another individual made a variety of allegations against many individuals associated with the House. This individual alleged that he had seen Representative Dellums use drugs with a page. The page involved denied under oath that he had ever used drugs with Representative Dellums or had ever seen Representative Dellums use drugs. Based on the Special Counsel's investigation, the Special Counsel concluded that the individual making this charge was not credible.

5. RESPONSE FROM REPRESENTATIVE DELLUMS AND APPERSON

The notices of preliminary inquiry served on Representative Dellums and Apperson on March 15, 1983 informed them that they had a right to appear before the Committee to respond to the charges that had been made against them. On May 18, 1983, Representative Dellums appeared before the Committee to raise questions about the scope of the investigation and to request the production of certain materials.

(a) Representative Dellums' Response

On September 16, 1983 the Special Counsel sent letters to the attorneys for both Representative Dellums (Appendix FF) and Apperson (Appendix GG), inviting each to testify at a Committee deposition. By letter of October 3, 1983, Representative Dellums' counsel responded to this invitation:

> By letter dated September 16, 1983, to Michael Tigar, you requested on behalf of Chairman Stokes and Representative Floyd Spence that my client Representative Ronald V. Dellums appear for a deposition before the Committee. Mr. Dellums is willing to appear for a deposition subject to the following conditions.
>
> * * * * * * *
>
> . . . A request by Representative Dellums for discovery and additional information regarding the allegations contained in the resolution was denied [in May 1983] as premature. It was noted at that point that the investigation was in its preliminary stages and that the request for discovery could be considered at a later point.
>
> Although we were surprised to learn that the investigation was still in its preliminary stages in May we are hopeful that it has now progressed to the point where our discovery request is ripe.
>
> Accordingly, we renew our request for particulars regarding specific allegations contained in the resolution and for discovery as outlined in our previous communication.
>
> In the event that these issues can be resolved, Mr. Dellums is prepared to submit to a deposition limited to the areas of inquiry defined in the resolution authorizing a preliminary inquiry forwarded to him on March 15, 1983.

The full text of this letter appears at Appendix HH. By letter of October 27, 1983, the Associate Special Counsel informed Representative Dellums' attorney that the Special Counsel's office would seek permission from the Committee to disclose the requested materials, and stated:

> Assuming that the Committee grants us permission to disclose the materials, we will make them available to you promptly. Rep. Dellums has agreed that he will then testify at a deposition about the subject matter of the preliminary inquiry. This deposition will occur at 10:00 A.M. on November 8, 1983.

The full text of this letter appears at Appendix II.

On November 2, 1983, the Committee voted to disclose to Representative Dellums' attorneys all accusatory materials in the Special Counsel's file. Representative Dellums' attorney was informed of this decision on the same day, and on November 3, he reviewed the materials. On November 4, Representative Dellums' attorney informed the Special Counsel's office that the November 8 date was inconvenient, and the deposition was rescheduled for November 9. On November 8, Representative Dellums' attorney informed the Special Counsel's office that November 9 was no longer convenient.

On November 10, Representative Dellums wrote the Committee a letter stating that "no useful purpose would be served by my deposition." The letter denied each allegation in the materials the Committee had turned over to Representative Dellums. Attached to the letter was the notarized statement, "I have read the foregoing letter and under penalty of perjury state that the contents thereof are true." Representative Dellums signed this statement. The final paragraph of the letter stated:

> Should the Committee believe that an oral deposition is necessary, please let me know and I will, of course, consider the matter anew. I trust, however, that this matter can now be closed.

The full text of this letter appears at Appendix JJ.

On November 13, 1983, with the authorization of the Chairman and Ranking Minority Member, the Special Counsel responded:

> Whether Representative Dellums testifies at a deposition is entirely his decision. It has been the practice of the Committee, over the years, not to require that targets of investigations testify in depositions. Instead, the Committee has merely offered that opportunity and left the matter up to the individual involved, so Representative Dellums has every right to choose the course he selected.

The full text of this letter appears at Appendix KK.

(b) Apperson's response

Apperson's attorneys responded to the invitation to testify by letter dated September 22, 1983. (Appendix LL) The attorneys indicated that Apperson would testify if provided copies of certain recorded statements that Apperson had made. By letter of September 30, 1983, the Special Counsel's office agreed to provide copies of these statments. (Appendix MM) Apperson's attorney then indicated that he could not schedule a time to review those statements before November 10, and that he would need some time after that to prepare his client for his deposition. Although the Special Counsel's office explained that it would be impossible to schedule Apperson's deposition at that late date in time to consider it and include it in this report, Apperson's attorney insisted that he could not schedule the deposition until after November 10. Accordingly, Apperson has not responded to the allegations set out in the notice of preliminary inquiry.

6. CONCLUSION

The Special Counsel finds that the evidence is insufficient to justify the issuance of a Statement of Alleged Violation against Representative Dellums or Apperson. The Special Counsel recommends that the Committee not issue such a statement against either individual.

The allegations in the preliminary inquiry involving purchase or use of drugs on Capitol Hill came from one individual. Neither the investigation by the Department of Justice, nor the independent investigation by the Special Counsel has developed corroboration for those charges. Moreover, the reliability of Yesh's allegations is weakened by the factors set out above. Under the circumstances, the Special Counsel recommends that the Committee find that the evidence viewed as a whole does not provide legal justification to issue a Statement of Alleged Violation either against Representative Dellums or against Apperson.

D. Allegations regarding three former Members

In the course of the investigation, the Special Counsel's staff received allegations of drug abuse by three former Members of the House. The House and the Committee has consistently taken the position that is will not investigate former Members. The nature of the allegations received about the three former Members left open the possibility that they could provide evidence about narcotics use and distribution by current Members, officers, and particularly employees of the House. For the limited purpose of investigating use or distribution by individuals currently associated with the House, the Special Counsel investigated the allegations about use of drugs by these three former Members. The Special Counsel deposed the former Members. Two of whom asked for and were granted use immunity.

All three former Members denied under oath any knowledge of narcotics use or distribution by any current Member, officer or employee of the House of Representatives.

Their testimony and other evidence obtained by the Special Counsel indicates that none of the three former Members had been regular customers of either Marshall, Finkel or Todd. Two swore under oath they had never purchased from any of the three. The third former Member refused to testify about his own use of drugs. But the evidence by the Special Counsel indicates that he purchased drugs on one or two occasions in 1979 or 1980 from Marshall. There is no evidence that he was a more frequent customer of any of the three.

One former Member testified that he used marihuana as a substitute for sleeping pills, which he needed in order to sleep but to which he was afraid he would become addicted:

> As I said, I used to use [marijuana] for sleeping. I found it was more helpful than sleeping pills. My usual habit as a Member of Congress would have been to go to sleep . . . smoke a joint. That was my best way of getting toned down after a busy day . . . marujuana is a good sedative, and I used [it] to get to bed. That was my usual habit as a Member of Congress for many, many years.

This Member obtained marijuana from several of his staff members. One staff member also furnished this former Member cocaine on between two and four occasions. This Member also was aware that many people on his staff used marijuana and attended at least two staff parties when marijuana was openly used. None of the staff members who used or procured drugs for this former Member are still employed by the House.

A second former Member developed a "chemical dependency" on alcohol, cocaine, and sedatives as a response to the "high stress nature of his job." When this problem became too sever, he hospitalized himself in order to deal with his drug dependency.

The third former Member was less forthcoming in his testimony. The Special Counsel obtained sworn testimony that this former Member had purchased cocaine in his office from Douglas Marshall on at least one, and probably two occasions. There was also testimony that he had used marijuana in his office, and he engaged in a conversation which was secretly recorded and which appears to confirm that he had used cocaine and marijuana. At his deposition, however, he refused to respond to any questions about his personal use or possession of controlled substances, arguing that as a former Member, he was no longer within the Committee's jurisdiction. He testified under oath that he had no information about the distribution or use of drugs by any current Members, officers or employees of the House.

SECTION VI: ALLEGED DRUG INVOLVEMENT OF HOUSE EMPLOYEES

The Special Counsel investigated numerous allegations of drug use or distribution by employees of the House of Representatives. These allegations involve five groups: (a) Three House Employees: Robert Yesh, James Beattie and Employee A; (b) Employees of the Doorkeeper's Office; (c) Capitol Tour Guides; (d) Pages; and (e) Others.

With respect to the evidence which was developed in the course of the investigation and which is summarized in this section, the Special Counsel makes the following recommendations to the Committee.

First, the Special Counsel recommends that the Committee turn over to the immediate supervisor any evidence concerning drug use and distribution by an employee which might warrant disciplinary action. For example, in the case of the personal staff of a Member, the material would be made available to the Member; in the case of Committee staff, the material would be made available to the Committee Chairman and the Ranking Minority Member; in the case of employees in the Doorkeeper's office, the material would be made available to the Doorkeeper.

Second, the Special Counsel recommends that the Committee take steps to assure that the Justice Department is aware of all evidence of illegal drug use and distribution developed by the Special Counsel in the course of this investigation. The Department would then be in a position to request from the Committee any evidence it feels would be relevant to its law enforcement responsibilities.

The Special Counsel recommends that the Committee take these steps with respect to all information described in the following sections.

The Special Counsel emphasizes that the quality of the evidence with respect to an individual employee may vary from admitted drug use to hearsay allegations which accused employees have denied. Where evidence is provided to an employed, the Special Counsel urges that it be made available without any recommendation by the Committee to the employer. The Special Counsel recommends that the decision whether the evidence constitutes misconduct and if so, what discipline should be imposed, should be left to the immediate employer.

A. Drug distribution by three House employees

This section reports the results of the Special Counsel's investigation into the drug activities of three specific individuals. All three are no longer employed by the House. However, all three were employees when this investigation began, and all were significantly involved in illicit use and distribution of drugs within the Capitol. All three have provided information to the Special Counsel about drug use and distribution by current employees. Therefore, the Special Counsel believes it important to describe the evidence obtained with respect to these three individuals.

1. ROBERT T. YESH

The Special Counsel received allegations early in his investigation that Robert T. Yesh, Majority Assistant Cloakroom Manager in the Doorkeeper's Office, used drugs. Testimony taken in the Fall of 1982 established that Yesh had used drugs with pages, and the Committee voted a Notice of Preliminary Inquiry against Yesh on December 14, 1982. This Inquiry was continued in the 98th Congress.

Yesh did not contest the allegations against him. He negotiated a plea bargain with the Department of Justice wherein he agreed to plead guilty to lesser offenses and cooperate with the Department's investigation.

Yesh named three employees of the Doorkeeper's Office as having sold, purchased or used cocaine. Two of these employees (James Beattie and Employee A) admitted Yesh's allegations. One (James Howarth) denied them. Yesh named two other employees of the Doorkeeper's office as having used cocaine on a trip with him. They denied his accusations and others on the trip contradicted Yesh.

Yesh also asserted under oath that a legislative assistant employed by the House purchased cocaine from him. Based on this allegation, the Committee initiated a preliminary inquiry. The results of the Special Counsel's investigation are set forth in Section VI E.

Finally, as discussed above, Yesh used marijuana and occasionally cocaine with pages. In most of these instances pages shared their drugs with Yesh, although occasionally Yesh was the source of the drugs. In several instances Yesh sold drugs to former House pages and once to a then current Senate page.

2. JAMES M. BEATTIE

James M. Beattie, an employee of the Doorkeeper's Office, was first identified by Yesh as having sold narcotics. Beattie resigned and pleaded guilty to two federal misdeameanor offenses. Entry of judgment was suspended and he was sentenced to serve one year's probation. He has cooperated with the Committee's investigation.

Beattie testified that he had sold cocaine to Yesh about seven times between 1980 and 1982. He also admitted selling cocaine on three occasions to Employee A, who was then employed by the Doorkeeper's office. On one occasion he testified to selling marijuana to a group of House pages.

Beattie identified one current employee of the House Doorkeeper's office to whom he had sold cocaine. He also swore that he had sold marijuana to a currently employed House elevator operator who had previously been employed in the Doorkeeper's office and to two other current employees of the Doorkeeper's office. Finally, Beattie testified that he had used marijuana on his lunch break between two and five times with two additional former employees of the Doorkeeper's office and that on the last day on the 1981 session, he shared marijuana with three other employees of the Doorkeeper's office. Thus, Beattie's sworn testimony implicates at least 6 employees in the Doorkeeper's office and one House elevator operator in illicit drug activities.

None of Beattie's drug sources was in any way connected with the House; he testified that they were high school friends of his from Northern Virginia.

Beattie also testified that he sold marijuana to a Capitol policewoman and used marijuana with a Capitol policeman. Because law enforcement officials were involved, the Special Counsel immediately referred these matters to the Internal Affairs Unit of the Capitol Police. Both were found guilty of the charges. The policewoman was fined 160 hours' pay; the policeman was fined 80 hours' pay.

3. EMPLOYEE A

Employee A began working for the House in the Doorkeeper's office and then became a member of a Member's personal staff. Employee A was held in contempt for refusal to answer a grand jury's questions about his knowledge of drug use, and was asked to resign by his sponsoring Member. When initially interviewed by the Special Counsel' staff, he withheld information.

After Yesh began to cooperate, Employee A was interviewed again and deposed. He admitted to selling marijuana to Yesh on one occasion and to purchasing cocaine from Beattie approximately five or six times. These transactions occurred in the Capitol complex. He also admitted to selling marijuana to a tour guide and a House staff member in their respective apartments. The staff member denied under oath that the transaction occurred, but the tour guide admitted under oath that she bought marijuana from Employee A as many as ten times and that on several occasions these transactions occurred in the Capitol complex. Both are current employees and the Special Counsel recommends that the evidence obtained concerning these individuals be turned over to their immediate supervisors.

Employee A also testified about his use of drugs with other persons who worked in the Member's office where Employee A worked as a legislative aide. Most of this use was at social functions. Employee A also testified that there were numerous occasions where he and others on the staff were in possession of drugs while in the office and that on two occasions they used drugs in the office after working hours. The other staffers admit drug use away from the office; one person, a former employee, admits drug use in the office. Only two of the Member's staff aides named by Employee A are still employed by the House.

B. Drug use by employees of the House Doorkeeper's office

Three former employees of the House Doorkeeper's office, Yesh, Beattie, and Employee A, have admitted that they were involved in drug distribution in the Capitol complex. Yesh has named three other empoloyees of the Doorkeeper's office as drug users or purchasers, and Beattie has named eight other employees of the Doorkeeper's office. Finkel named one additional employee of the Doorkeeper's office as a drug user. Some of the 15 employees have admitted using or purchasing drugs; most have denied it. Of the 15 named, seven are still employed.

The Special Counsel finds that there has been a serious problem of drug abuse in the Doorkeeper's office. The Special Counsel recommends that the Committe urge the House Doorkeeper to review the evidence provided to him and to take appropriate action promptly.

C. Drug use by Capitol tour guides

Because allegations that Capitol tour guides were runners for the "cocaine ring" received extensive coverage in the press, these allegations merit detailed treatment. Detective Michael Hubbard of the Metropolitan Police Department, Washington, D.C. originally brought these charges to the attention of the Special Counsel. Hubbard testified that in approximately March 1981 he was informed by two Jack Anderson associates and their source, Larry, the brother of a tour guide, that his (Larry's) sister and two other tour guides were part of a drug distribution organization operated by Douglas Marshall. According to Larry, "Marshall would utilize female employees on the Hill whenever practicable, to service either staffers or members directly with cocaine." Hubbard also testified that he interviewed one of these tour guides in the summer of 1981. According to Hubbard, this tour guide told him that Larry's sister "had been a live-in girlfriend of Douglas Marshall, had been the person who took Representative ——— [a former Member] coacine on the Hill." According to Hubbard, this tour guide told him that Larry's sister not only delivered for the Marshall organization but serviced other Members on her own as well. Hubbard testified that this tour guide identified, in addition to the names Hubbard had already received, two other tour guides as distributors on the Hill.

The Special Counsel deposed or interviewed all of the tour guides alleged to have been distributors for the "cocaine ring," as well as Marshall, Finkel, and Todd and others who were alleged to have knowledge about their activities. The Special Counsel found evidence that tour guides used and sometimes sold drugs among themselves. The Special Counsel found that one tour guide, Larry's sister, dated and used drugs with Doug Marshall. Other than the relationship of Larry's sister with Marshall, however, the Special Counsel found no evidence that tour guides had any role in distributing drugs for Marshall, Finkel, and Todd.

Larry's sister had been a Capitol tour guide since 1977. She testified that her knowledge of Marshall's involvement with drugs was limited. Larry's sister testified that they had snorted cocaine and smoked marijuana together. She testified that she did not know for a fact that Marshall sold drugs but assumed he did. She explained her basis for this assumption:

> We would go see friends of his late at night. They would leave me in a room and go off and ten minutes later they would come back and would leave. One time he said he had to go do an errand, and he had a paper bag with him, and went down the street, dropped it off, and then that was that. We went to a restaurant one time. He left me out front in the bar area. He was back a couple of minutes later.

Larry's sister testified that she does not know any of the individuals Marshall met during these brief encounters. She denied ever making any narcotic deliveries for Marshall.

Larry's sister also admitted her involvement with drugs on Capitol Hill. In 1980 she purchased an ounce of marijuana three to five times from Employee A, who was then a doorman for the House. The arrangements for the purchase as well as the delivery occurred either in the Capitol building or the adjacent parking lot. Larry's sister testified that on approximately five other occasions she made arrangements with Employee A on Capitol Hill to purchase marijuana, but the delivery took place elsewhere.

With respect to drug use by herself and other tour guides, Larry's sister testified that she used marijuana on the Capitol grounds "around 20 times." This occurred "from the summer of 1978 to the end of 1978." She explained that she smoked marijuana on Capitol Hill with a little clique of three other women who were also tour guides. "We would go out after work and ride around in the car together and smoke a joint." She testified that they all shared in contributing the marijuana which was smoked. Larry's sister testified that she bought marijuana from one of the other tour guides about ten times.

Larry's sister further recalled that in late 1978 or early 1979, two of her tour guide friends were discovered by the Capitol police smoking marijuana in the ladies' room in the basement of the Capitol.

Because of the nature of the allegations, the Special Counsel deposed or interviewed every tour guide whose name was mentioned as a possible user or distributor of drugs. In general, Larry's sister's account of drug use by tour guides was corroborated by the other evidence obtained by the Special Counsel.

In addition to Larry's sister, three tour guides currently employed by the House admitted to marijuana use off Capitol Hill, after hours. The Special Counsel recommends that the evidence obtained about these four tour guides currently employed by the House be furnished to their immediate supervisor.

The Special found evidence that one other tour guide, a current Senate employee, received cocaine from Doug Marshall on one occasion. Two other tour guides, both Senate employees, admitted to smoking marijuana with Larry's sister on the Capitol grounds. All information concerning Senate employees has been turned over to the Senate.

D. Pages

The Special Counsel's Interim Report of December 14, 1982 noted that the drug allegations about pages were "still . . . the subject of an active investigation," but set forth some "partial and general" conclusions about drug use among pages. The Special Counsel has now completed that investigation and can now confirm his preliminary conclusions.

1. THE INVESTIGATION REVEALED NO EVIDENCE OF DRUG USE OR DISTRIBUTION BETWEEN PAGES AND MEMBERS OF CONGRESS

The only allegation that any Member used with or distributed drugs to pages was the allegation by former page Jeffrey Opp that a Member invited him to a party and made a gesture which Opp interpreted to mean that cocaine would be available at the party. The Special Counsel addressed this allegation in his interim report, and found that there was no evidence to support it and that it resulted from an overactive teenage imagination.

In addition, the Special Counsel investigated rumors that, on two different occasions, two Members had smoked marijuana with two named pages. Both pages testified at depositions and denied the allegations. One rumor appears to have originated from the page's use of marijuana with the Member's secretary, who is no longer employed by the House. The other page, although admitting his own drug use and testifying that he had used drugs with Robert Yesh, a House employee, denied using marijuana with the named Member. This Member also denied this allegation under oath.

2. SOME PAGES USED ILLEGAL DRUGS

The Special Counsel's investigation focused on the academic year 1981-82 and to a lesser extent, the years 1977-78 through 1980-81, with the following results:

(a) 1981-1982

With respect to the 1981-1982 school year, the Special Counsel made the following finding relating to drug use by pages:

First, some pages used high dosage caffeine pills, amphetamines, or diet pills normally available only by prescription. Often these pills were used to keep awake during high school and working hours.

Second, some pages used amyl nitrate, a substance known colloquially by a variety of names: "popers," "rush," or "locker room." This substance comes in hard capsules which are broken open to allow the substance to be sniffed and give the user a "rush." It is reputedly used to enhance sexual performance. This substance is available over the counter.

Third, some pages smoked marijuana. The information obtained is not sufficient to determine the extent of marijuana used among the pages. But pages said that it was used occasionally by some pages and that marijuana was smoked by some pages at several parties.

Fourth, the evidence indicates that four pages used cocaine on a few occasions, although there is conflicting evidence on whether all four used it and, if so, how often. The evidence is also not sufficient to reach a firm conclusion about the extent of cocaine use among pages.

(b) 1977–1978

With respect to the 1977–1978 school year, the Special Counsel received evidence about one page residence at which approximately half a dozen House or Senate pages gathered and used alcohol, marijuana and hashish. A page who lived at this apartment in 1977–78 testified that he provided marijuana free of charge to his guests and to Robert Yesh, who sometimes visited the apartment.

(c) 1978–1979

The same page identified above as a host and provider of drugs to other pages during the 1977–78 school year was also a page in 1978–79. He testified that in his second year as a page he began to use cocaine, in addition to marijuana and hashish. He said that he used cocaine with his page roommate and with Yesh, and that he sold cocaine to Yesh. He said other pages who visited the apartment in that year may also have used marijuana or cocaine. The Special Counsel interviewed and deposed other pages who may have been involved in this drug use, but was not able to confirm their participation.

(d) 1979–1980

Three pages testified that they used marijuana during the 1979–1980 school year. The three pages resided together. They also testified that they used marijuana with Yesh, and two of the three pages said that they used cocaine with Yesh, provided by the pages or Yesh. Yesh himself admitted using marijuana and cocaine with the pages, although his testimony differed from theirs in some details.

(e) 1980–1981

The Special Counsel received testimony from one page that he and a second page used marijuana during the 1980–1981 school year. The second page refused to answer questions about his alleged drug activities, on grounds of self-incrimination. The Special Counsel also received numerous allegations that the second page supplied drugs to pages during the 1981–82 year, after he had left the page program and became a college student. Information about the second page's alleged distribution of drugs has been forwarded to the District of Columbia Metropolitan Police.

3. EVIDENCE CONCERNING FOUR HOUSE EMPLOYEES INVOLVED WITH PAGES AND DRUGS

The Special Counsel received evidence of four employees involved with pages and drugs. One of these employees was the former secretary discussed in the preceding paragraph. She used marijuana on one occasion with a page in 1981-82, and she is no longer employed by the House.

James Beattie, who subsequently resigned, testified that on one occasion in 1978 or 1979, he sold a quarter pound of marijuana to a group of three pages.

Employee A, who was fired from his position on a Member's staff also admitted to selling marijuana to a page on one occasion sometime between 1977 and 1981.

The other employee was Robert Yesh. Yesh has since resigned, pleaded guilty to two misdemeanors, and been sentenced to serve a year in prison. Yesh used marijuana and cocaine on numerous occasions with a small group of pages during the academic years 1977-78, 1978-79, and 1979-80. Yesh has admitted this use, as have five former pages. The pages were usually the source of the drugs, although on occasion Yesh shared marijuana and cocaine that he had obtained with the pages. Although the Special Counsel is aware of no instance in which Yesh sold drugs to House pages while they were still pages, a Senate page has sworn that on one occasion Yesh sold him cocaine, and Yesh has admitted to selling cocaine to former pages after they had completed their page tenure.

4. VOLUNTEER PAGE SCHOOL TEACHERS AND FORMER PAGE

Pages also provided sworn testimony that two law students who were serving as volunteer teachers in the Page School during 1981-82 had given a party for their students at which marijuana was available. The former teachers were both deposed, and while admitting that marijuana may have been used at the party, they denied all knowledge about its origins. Furthermore, a former page attending a local college was accused by a number of pages of selling illegal drugs. This former page asserted his right against self incrimination in response to questions at his deposition about providing drugs to pages. With the approval of the Committee, the Special Counsel furnished the D.C. Metropolitan Police with the results of his investigation of the 1981-82 volunteer Page School teachers and the former page.

5. THE INVESTIGATION REVEALED NO PAGES WHO SERVED AS RUNNERS OR CARRIERS FOR A COCAINE RING

As set forth more fully in Section IV: "Alleged Cocaine Ring on Capitol Hill", the Special Counsel found no evidence that pages served as runners or couriers for a cocaine ring. There was testimony that one page during the 1979-1980 year may have purchased cocaine from Douglas Marshall. Not only was there no evidence that this page served as a runner or resold the drugs to anyone else, but the allegation itself was uncorroborated by any other witness.

E. Other allegations of drug use

In addition to the allegations discussed above, the Special Counsel received allegations under oath of drug use by six current employees.

1. PRELIMINARY INQUIRY AGAINST A LEGISLATIVE ASSISTANT

At the recommendation of the Special Counsel, the Committee voted a preliminary inquiry against a legislative assistant employed by the House. The basis for this action was the allegations made under oath by Robert Yesh that he sold cocaine to the legislative assistant on several occasions, including once in the House Democratic Cloakroom. Yesh also stated that he believed that this employee possessed cocaine on at least two other occasions.

The Special Counsel interviewed or deposed all employees whom he determined could have knowledge relating to these allegations. In addition, the Special Counsel offered the legislative assistant the opportunity to be deposed, but he did not choose to testify.

The Special Counsel was unable to corroborate the allegations of cocaine purchases by the legislative assistant. With respect to the allegations of cocaine possession, one involved a trip taken to Baltimore, Maryland in a van by Yesh, the legislative assistant and others. Yesh's sworn statement concerning cocaine possession was contradicted by the other participants on the trip—whom Yesh also alleged possessed cocaine at the same time. The trip had no connection with the legislative assistant's official duties. The Special Counsel was also unable to corroborate this allegation of cocaine possession.

Because of the lack of corroborating evidence and because of the problems concerning Yesh's credibility discussed more fully in Section V C., the Special Counsel recommends that the Committee not issue a Statement of Alleged Violation.

2. OTHER CURRENT EMPLOYEES

The Special Counsel also obtained evidence relating to allegations of drug involvement by six other current House employees that might warrant disciplinary action by the individual's immediate supervisors:

> An administrative assistant to a Congressman who stated that "as a joke" he gave a small quantity of what he believed to be marijuana to some younger employees.
>
> A staff member who admitted using cocaine away from Capitol Hill on about six occasions.
>
> A computer operator who admitted using cocaine and witnessing numerous cocaine transactions between a Senate employee and her boyfriend.
>
> A folding room employee who was accused by a former employee of selling small quantities of marijuana.
>
> A staff member of a former Representative, now employed in another House office, who was accused of purchasing cocaine from Doug Marshall.
>
> A special assistant to a committee member who was accused by a police informant, with an extensive criminal

> record, of supplying the informant with prescription drugs and having the informant accompany him to purchase marijuana.

The last three of these employees denied the allegations under oath.

In all the cases set out above, the Special Counsel recommends that the Committee furnish its evidence to the immediate employer of each these employees—e.g., the employing member, Committee Chairman and Ranking Minority Member or the Doorkeeper—so that the employer may review the evidence and take appropriate action.

SECTION VII: NAMES PROVIDED TO THE SPECIAL COUNSEL BY THE DRUG ENFORCEMENT ADMINISTRATION

On October 15, 1982, the Department of Justice entered into an agreement with the Committee and the Special Counsel. The Justice Department agreed to provide the Committee with non-privileged materials relating to the Justice Department's investigation of drug use and distribution on Capitol Hill. Specifically, the Justice Department agreed to provide the Committee with "materials relevant to the investigation of alleged illicit use or distribution of drugs by Members, officers, or employees of the House." The Committee agreed to limit access to these materials and to take certain security precautions. The full text of this agreement is set forth in Appendix G.

On March 10, 1983, staff of the Justice Department's Drug Enforcement Administration (DEA) met with the Special Counsel's staff to discuss the information to be made available to the Committee regarding the Department's investigation of drug use and distribution by Members, officers and employees of the House. Following that meeting, on March 24, 1983, Robert A. McConnell, Assistant Attorney General for Legislative Affairs, transmitted to the Committee a letter with an attached list of 78 names purporting to be "those employees (present and former) of the House whose names have surfaced during the course of the DEA Capitol Hill drug investigation." The letter stated:

> It should be noted that the accompanying list represents both raw and processed data. In some instances, after careful review of the raw data, investigators have been unable to corroborate or otherwise substantiate the basis for continuing a particular inquiry. Also, in several instances, raw data or initial allegations of wrongdoing have been discounted entirely in the light of further evidence. When viewing this list, therefore, it should be understood that alleged individual involvement varies in great degree as does the overall quality of evidence on hand to support any such involvement that might be considered illegal. It is anticipated that after additional review and discussions between the Committee's investigators and DEA, the final list of those employees against whom there will be substantial findings of wrongdoing will be considerably shortened.

The full text of this letter is attached as Appendix NN.

On March 29, 1983, the Special Counsel returned the list of 78 names to the Justice Department stating:

> I am deeply concerned that the list you transmitted contains names of individuals where investigators have been "unable to corroborate or otherwise substantiate the basis for continuing a particular inquiry," as well as the names of individuals where "raw data or initial allegations of wrong-doing have been discounted entirely in the light of further evidence." According to your letter, the list also contains the names of individuals concerning whom you have gathered evidence of improper conduct during the course of your investigation.
>
> I believe that there is a serious danger of harming innocent people when the names of individuals against whom you have no evidence are combined in the same list with individuals about whom you do have evidence of wrongdoing. This is particularly true when the list is characterized as "a list of those employees (present and former) of the House whose names have surfaced during the course of the DEA Capitol Hill drug investigation."
>
> Because of these concerns—which I am sure you share—I am returning your letter and the list attached to it to you. I have asked Mr. Fox and Mr. McQueen to arrange a meeting with the appropriate DEA investigators in order to obtain any information the Department may have with respect to Members, officers or employees of the House who may be involved in activities within the scope of H. Res. 12. I hope that you will carefully review with Messrs. Fox and McQueen whatever information the Department may have that might warrant investigation by this Committee or the Justice Department within the scope of our respective jurisdictions.

The full text of the Special Counsel's letter appears at Appendix OO.

On April 28, 1983, the Justice Department provided the Committee with a new list of 53 names: 21 individuals identified by the DEA as current House "employees" (which included five Members of Congress) and of 32 individuals identified as former House "employees" (which included four former Members). With regard to this list, Assistant Attorney General McConnell stated:

> Pursuant to the suggestion contained in your letter, DEA has prepared a list of those current and former House employees whose activities as determined by the DEA's investigtors might warrant examination by your Committee. Not included are the names of persons whose employment, current or former, by the House could not be confirmed on the basis of information which is presently available to DEA. Based on the concerns expressed in your letter of March 29, the list also omits the names of those persons against whom there were allegations for which there is little or no corroboration in the DEA files.

The full text of the letter appears at Appendix PP.

Subsequently, the DEA added one name to the list of former House employees bringing the total of individuals identified as former employees to 33. The DEA also requested that two names be deleted from this list.

After providing the list of names, the Justice Department delivered to the Special Counsel computer printouts and memoranda identifying the Justice Department's source of each name.

The Special Counsel investigated all the names sent to the Committee by the Justice Department, including the two that DEA asked be deleted. The great majority of the names were already known to the Special Counsel's office as a result of allegations received in the course of its own investigation. Fifteen of the 21 individuals referred by the Justice Department as current House employees were already under investigation; investigations of 25 of the 33 former employees had already been initiated or completed.

CURRENTLY ASSOCIATED WITH THE HOUSE

The Special Counsel carried out an investigation of each of the 21 names sent to the Committee by the Justice Department and identified by the Department as current House employees.

An initial review of the list determined that four of the individuals on the list were not in fact currently associated with the House. Three of the individuals were no longer employed by the House [5] and one was a Senate employee.[6]

Of the 17 remaining names, five were Members and 12 were employees. All 17 were deposed or gave sworn statements, except one employee who was not compelled to testify because he was the subject of a preliminary inquiry already initiated by the Committee. The allegations received by the Special Counsel from the DEA and the Special Counsel's findings with regard to these 17 current House members and employees are set forth below.

A. Members

1. Representative Ronald Dellums and *2. Representative Charles Wilson.*—The allegations about Representative Dellums and Representative Wilson received from DEA were among those which the Special Counsel independently investigated. The results of the Special Counsel's investigtion are set forth in Section V.

3. Representative B.—A political rival of Representative B informed DEA that Representative B was involved with the distribution of cocaine. The rival claimed to have only hearsay information, none of which could be corroborated. The DEA provided no corroborating evidence and no othe incriminating evidence. This Member's name also appeared in the July 27, 1983 Jack Anderson column.

Representative B provided the Special Counsel with an affidavit in which he swore, ". . . I have never possessed, used or distributed marijuana, cocaine or any other controlled substance."

---

[5] To determine whether these former employees had any information concerning drug use of distribution by anyone currently associated with the House, the Special Counsel deposed two of these individuals; the third could not be located.

[6] The information on this individual was sent to the Senate.

The Special Counsel found no evidence to support the allegations.

4. Representative C.—The DEA allegation concerning Representative C came from a confidential informant who told the DEA that Douglas Marshall had stated that Representative C was "involved in narcotics." The Special Counsel deposed this informant who stated under oath that her information regarding this matter was only ". . . hearsay . . . it was just people talking." She testified that she thought "it was people in his [Representative C's] office," not Representative C himself. Douglas Marshall testified that he had no knowledge of drug involvement by Representative C.

Representative C signed a sworn statement stating that ". . . I have never possessed, used or distributed marijuana, cocaine or any other controlled substance."

The Special Counsel found no evidence to support the allegation.

5. Representative D.—DEA named Representative D because a former Representative, in a taped conversation with a confidential informant, indicated that he had heard rumors regarding drug use by Representative D. The Special Counsel investigated this allegation and deposed the former Representative who had been taped. The former Representative testified that he had no knowledge of drug involvement by Representative D. He testified that his comments were "pure speculation with no first-hand knowledge or first-hand hearing from anyone that knew."

Representative D stated in a sworn statement that ". . . I have never possessed, used or distributed marijuana, cocaine or any other controlled substance."

The Special Counsel found no evidence to support the allegation.

B. Employees

With respect to the 12 current employees the Special Counsel's investigation has produced the following:

Four employees: Preliminary inquiries

Based on the recommendation of the Special Counsel, the Committee had initiated formal Preliminary Inquiries against four of the employees on the DEA list even before the DEA list was received. These individuals were James Beattie, James Howarth, John Apperson, and a legislative assistant. Beattie and Howarth have resigned. The results of the Special Counsel's investigation of Apperson are set out in Section V B above. The results of the Special Counsel's investigation of the legislative assistant are set out in Section VI E above.

Five employees: Evidence of illicit use or distribution of drugs

The Special Counsel has obtained evidence that six of the current House employees on the DEA list have engaged in illegal drug activities. The Special Counsel recommends that this evidence be turned over to their immediate employers. In addition, the Special Counsel recommends that the Committee authorize him to confer with DEA to insure that DEA is aware of all evidence in the possession of the Special Counsel with regard to these six employees.

1. Employee B.—DEA provided the Special Counsel with information indicating that Robert Yesh used cocaine and marijuana with Employee B. Yesh had earlier made this allegation to the Special Counsel. Employee B, in sworn testimony in a deposition, admitted using cocaine with Yesh on several occasions.

2. Employee C.—Employee C is currently employed by a Member of the House, and was previously employed by a different Member. According to the information provided by DEA, Devon Dupres told the DEA that Douglas Marshall said he sold cocaine to Employee C. The Special Counsel found evidence of illegal drug activity by Employee C.

3. Employee D.—Employee A told DEA that Employee D used and possessed cocaine on and off Capitol Hill. The Special Counsel investigated these allegations and deposed Employee D, who denied possessing or using drugs on Capitol Hill. The Special Counsel found evidence of illegal drug activity by Employee D.

4. Employee E.—Robert Finkel and other individuals told the DEA that Employee E used drugs on numerous occasions. Another individual told the DEA that Employee E purchased cocaine with her boyfriend from Finkel at a location off Capitol Hill. The Special Counsel's office deposed Employee E. She testified that she used cocaine with Finkel, her boyfriend and others on about a half dozen occasions off Capitol Hill. The Special Counsel found evidence of illegal drug activity.

5. Employee F.—A former Folding Room employee told DEA and testified in a Committee deposition that on several occasions he purchased small amounts of marijuana from Employee F. The Special Counsel investigated these allegations and deposed Employee F. In his deposition, Employee F testified that he has never used, purchased, or sold marijuana or cocaine, and denied specifically the allegations of sales to a coworker. The Special Counsel found evidence of illegal drug activity by Employee F.

Three employees: No action

The Special Counsel has investigated the allegations provided by DEA concerning the remaining three employees. Based on this investigation, the Special Counsel has concluded that there is no evidence that warrants the conclusion that these employees used or distributed drugs. The Special Counsel's determination in these cases is based on the following:

1. Employee G.—Employee A alleged to DEA that Employee G smoked marijuana at a party with coworkers off the Hill on one occasion. Employee G told the Special Counsel in a sworn statement that she did not use marijuana at any party in Washington and had no knowledge of drug use by office staff at parties she attended. The Special Counsel deposed Employee G's coworkers who attended the parties described by Employee A. Although several admitted their own use of drugs at these parties, none recalled seeing Employee G use marijuana or any other drug. The Special Counsel finds there is insufficient evience to take further action regarding Employee G.

2. Employee H.—A former House staffer told the DEA that he, Employee H, and three other coworkers had gone on two rafting trips and that "marijuana was smoked on the first trip" and "[o]n the second trip . . . [Employee H] supplied brownies laced with marijuana." The Special Counsel investigated these allegations, deposing the former staffer. In his deposition, the former staffer admitted that he had lied to the DEA regarding the raft trips. He testified that he had been dismissed abruptly by Employee H, his superior, and the resentment he harbored from that experience led him to implicate Employee H. The Special Counsel recommends that the Committee take no action regarding Employee H.

3. Employee I.—Employee I was identified as also being present on the rafting trips where marijuana was alleged to have been used. As set forth above, the former staffer who made those allegations to the DEA later admitted under oath that they were not true. The Special Counsel recommends that the Committee take no action in this matter.

* * * * * * *

To summarize, the Special Counsel completed an investigation of the 17 individuals on DEA's list who have been associated with the House while the Special Counsel's investigation was in progress. The Special Counsel recommended no action against the five Members on the DEA list. Of the 12 remaining employees, four were subjects of Preliminary Inquiries. Two of the four resigned, and the Special Counsel has recommended that the Committee not issue a Statement of Alleged Violation in the cases of the other two. The Special Counsel has recommended that evidence of illegal activity of the five employees be turned over to their immediate employer. And the Special Counsel recommends no action in the case of three employees on DEA's list.

Formerly associated with the House

In order to assure a complete review of all the names provided by the DEA, the Special Counsel determined that all former employees identified by DEA would be interviewed or deposed to determine if they could provide information concerning the use or distribution of drugs by persons currently associated with the House. With regard to the 33 individuals identified as former employees, the Special Counsel interviewed or deposed 26; was unable to locate 4; determined that 2 were in prison and no further investigation was warranted; and decided not to interview 1 after determining that she was never employed by the House.

VIII: ADDITIONAL RECOMMENDATIONS

A. Employee assistance programs

The House of Representatives employs some 20,000 individuals. Drug abuse, like alcohol abuse, is a serious problem that must be faced by any large employer. This investigation demonstrates that the House is no exception.

According to the Chaplain of the House, no programs are available for House employees who have a drug problem and want assistance in overcoming drug dependency. Yet the testimony received by the Special Counsel suggests that the day-to-day pressures experienced by persons working on Capitol Hill make them prime subjects to develop drug problems. Whatever the reason, the evidence is clear that drug use has been a problem among employees of the House.

The Special Counsel recommends that the House institute an employee assistance program that would be available to Members and all employees.

B. Disciplinary procedures for employees

The rules of the House and of this Committee establish a single procedure for disciplining Members and for disciplining employees. The procedure is elaborate and requires that any discipline be reviewed and acted upon by the House Committee on Standards of Official Conduct and by the House itself.

Such a procedure is plainly appropriate for Members of the House.

By the same token, however, such a procedure is wholly inappropriate and, in the opinion of the Special Counsel, unworkable in practice as a method of disciplining House employees.

The Special Counsel recommends that this Committee examine its procedures for handling the discipline of employees in order to develop a procedure that will be fair, efficient, and effective. This Committee may want to retain a role for itself and for the House in such a procedure. But the rules should not make the procedure for the House to investigate and make factual determinations in cases of alleged employee misconduct so cumbersome and so demanding on the time of the members of this Committee that it precludes the House's ability to administer an effective system of discipline for its employees.

C. Capitol Police

On May 18, 1983, the Committee approved the Report of the Special Counsel on the Inquiry into Certain Narcotics Investigations by the United States Capitol Police. H. Rep. No. 205, 98th Cong., 1st Sess. The Special Counsel's report on the Capitol Police is reproduced as Appendix B to this report. The Capitol Police report resulted from a review undertaken by the Special Counsel at the direction of the Committee. The Committee had instructed the Special Counsel to investigate allegations that a drug investigation conducted by the Capitol Police in 1980 was inproperly terminated and the officers conducting it transferred to other assignments in order to scuttle the investigation.

In the report, the Special Counsel states:

> The failure to pursue the leads uncovered in the 1980 investigation raises serious questions about the handling of that investigation and about the competence of the Capitol Police to conduct serious criminal investigations in the drug area. The evidence is insufficient to conclude that there was a conscious effort to obstruct the 1980 investigation. But the failure of certain Capitol police to follow up leads and vigorously to pursue the 1980 drug investigation constitutes a significant abdication of responsibility. The failure to act is particularly serious because some of the abandoned leads involved members of the Capitol Police

> force. The Capitol Police Board should consider what institutional changes are required to prevent repetition of these failures in the future, and whether disciplinary action is appropriate. The Special Counsel recommends that the Committee refer this matter to the leadership of the House and Senate and the Capitol Police Board. *Id.* at 4.

The report also noted the improper destruction of certain records relating to the drug investigation and certain contradictions in sworn testimony by Capitol Police officers relating to the document destruction.

The report recommended that the Capitol Police Board, the congressional leadership, and the Congress itself take the necessary steps to improve the performance of the Capitol Police with respect to drug enforcement and that the Board investigate the conflicts in testimony by police officers. The report was referred on May 18, 1983 to the Capitol Police Board with an offer to make the records of the Special Counsel's investigation available to the Board.

On August 4, 1985, a staff representative of the Capitol Police Board visited the offices of the Committee and requested access to the investigation records. This staff member spent approximately two hours reveiwing the voluminous records of a four-month investigation, which included 13 depositions totaling over 1,000 transcript pages and hundreds of pages of interview notes. No other member of the Capitol Police Board or of the Board's staff reviewed the investigation records. The same day, the Capitol Police Board issued a report in response to the Committee report of May 18. The Board's report concluded that the May 18 report "rendered a disservice to the U.S. Capitol Police."

The August 4 Board report takes issue with the Special Counsel's report, as adopted by the Committee, in the following respects:

> The Board agreed with the Special Counsel that the 1980 drug investigation by the Capitol Police, in the words of the Board report, "displayed a paucity of training, less than expert supervision and an uneven application of sound police narcotics practices." The Board said, however, that there had not been a significant abdication of responsibility by the Capitol Police.
>
> The Board agreed that Captain Richard Xander of the Capitol Police had destroyed certain police records relating to the drug investigation, in response to a request by the chairman of the Police Board to review all such records, but described such action "innocuous."
>
> The Board acknowledged that police records were destroyed at the time of the Committee's request for documents relating to drug and sex investigations, but argued that reports of such destruction were "no basis for either concern or investigative report."
>
> The Board agreed that there were conflicts in the testimony relating to document destructions of several high-ranking police officers, but described these conflicts as irrelevant and an investigation of the conflicts as "unwarranted."

Finally, the Board report states that "great strides have been taken by the Capitol Police in the narcotics field since 1980." At the request of the Capitol Police Board, the Special Counsel avoided any inquiry relating to current investgations by the Capitol Police, in order to avoid compromising such ongoing investigations. He therefore makes no judgment about the merits of the Board's conclusion that the drug enforcement capability of the Capitol Police has improved substantially since 1980.

The Special Counsel reiterates his view that the Congress must insure that the Capitol Police has adequate capability to enforce the laws prohibiting use and distribution of narcotics on Capitol Hill. The Special Counsel's conclusions and recommendations as stated in the report of May 18, 1983 remain valid:

> The evidence obtained during this investigation demonstrates that, during the period examined, the Capitol Police did not have the capacity to conduct a serious investigation of allegations that criminal drug laws were being violated on Capitol Hill. The response of the Capitol Police to evidence of illegal drug activity within its jurisdiction falls far short of what should be expected of a professional police force.
>
> The Capitol Police Board, the congressional leadership, and ultimately the Congress itself must consider what the role of the Capitol Police should be. . . . Two choices exist:
>
> The Capitol Police could strengthen their own capacity. Such an effort would require the Capitol Police Board and the congressional leadership to make a searching review of the personnel and practices of the Capitol Police with respect to criminal investigations, including drug investigations, with a view to making sweeping changes. Such changes would have to be accompanied by a clear mandate to pursue criminal investigations with the same vigor applied to Capitol Policy protective functions, and a system of oversight to protect individual rights and institutional interests.
>
> Alternatively, the Capitol Police Board could delegate responsibility for drug and other criminal investigations requiring more than routine action to another law enforcement agency. . . . But this is a delicate decision, involving constitutional relationships among branches of government, and it requires the attention of the leadership of both Houses.
>
> The Special Counsel expresses no view on which alternative, or variations, should be chosen, but recommends that the Committee refer this matter to the leadership of the House and Senate. The Capitol Police force is composed of hundreds of dedicated and committed individuals. These men and women serve the House and Senate with dignity, pride and a deep sense of responsibility. They are entitled to have their mission clearly defined and to be properly trained to fulfill that mission. Id. at 25-26.

ACKNOWLEDGEMENT

The Special Counsel gratefully acknowledges the effort and personal sacrifice of those who served in the Office of the Special Counsel. Particular recognition is due to Richard Cotton, Deputy Special Counsel; Hamilton P. Fox, III, Associate Special Counsel; Gerald T. McQueen, Chief Investigator; and Basil Henderson, Assistant to the Special Counsel.

Many members of the Special Counsel's staff served on loan from other agencies such as the U.S. Postal Service, the New York City Police Department, and the Department of Health and Human Services; some are associates or partners at Dewey Ballantine, Bushby, Palmer and Wood; others are temporary employees of the House recruited by the Special Counsel for this investigation. A few served throughout the investigation; most served for only a portion of it, but all served with distinction and deserve the appreciation of the Congress and the American people for their contribution to this most difficult, often unpleasant, but important task.

Among these individuals are attorneys Cheryl Anderson, Frank Ciavarella, Susan Herdina, Gwen Johnson, Myles Lynk, Craig King, Carol Petren, Andy Purdy, Anne Ryan, Martha Talley; investigators Lee Barta, Robert Bush, Leo Davis, Jerry Dexter, Ernestine Johnson, Jack Moriarty, Richard Powers, and Fred Woodworth; researchers and support staffers Sheila Beglapour, Beverly A. Bridgett, Ron Brody, Tom Donegan, Judy Gatling, Carrie Hollenberg, Joseph Howell, Joanne Neff, Joe Norton, Barbara Robinson, Dawn J.D.J. Swindells, Natalie Swit, Katherine Wagner.

In keeping with the desire of the leadership of the House and the Committee that the Special Counsel conduct a completely independent inquiry, the investigative effort was accomplished with a special staff. The Special Counsel would like to acknowledge, however, the assistance of John Swanner, the Staff Director of the Committee, and Jan Loughry, Office Manager, in a variety of administrative matters.

Respectfully submitted.

JOSEPH A. CALIFANO, JR.

APPENDICES TO THE FINAL REPORT OF THE SPECIAL COUNSEL TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON THE INVESTIGATION INTO ALLEGATIONS OF ILLICIT USE OR DISTRIBUTION OF DRUGS UNDER H. RES. 518, 97TH CONGRESS, AND H. RES. 12, 98TH CONGRESS, NOVEMBER 17, 1983

APPENDIX "A"

House Calendar No. 200

97th Congress *2d Session*	HOUSE OF REPRESENTATIVES	Report No. 97-965

REPORT ON INVESTIGATION

REPORT

BY

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

PURSUANT TO

H. RES. 518

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

December 14, 1982.—Referred to the House Calendar and ordered to be printed

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House Calendar No. 200

97TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
No. 97-965

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL, SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

DECEMBER 14, 1982.—Referred to the House Calendar and ordered to be printed

Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

On July 13, 1982, the House agreed to House Resolution 518. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

On July 27, 1982, this Committee retained Joseph A. Califano, Jr., as Special Counsel to conduct the investigation. The Committee's Special Counsel thereafter assembled a staff and has carried out an extensive investigation.

The Special Counsel has filed an interim report with this Committee, which the Committee has approved, on the investigative work completed during the 97th Congress. The Special Counsel's interim report is attached as an Appendix to this Report.

I. ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT

The Special Counsel reported that most, but not all, of the investigation of sexal misconduct had been completed. The Special Counsel found that the evidence conclusively indicated that the highly-publicized charges of sexual misconduct made by two former pages were false. The basis for the Special Counsel's conclusions are set out in detail in his report.

In one instance, however, the Special Counsel recommended that the Committee initiate a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

In the case of the Preliminary Inquiry and of the matters still under investigation, the Committee voted to transmit all materials involved to the 98th Congress and to recommend these matters be completed as early as possible next year.

II. ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS

The work of the Committee's Special Counsel in investigating allegations of illicit use or distribution of drugs involving Members, officers, or employees of the House has been carried out in coordination with the Justice Department and its Drug Enforcement Administration. Both the Committee's Special Counsel and the Department of Justice have a number of matters under active investigation.

In one instance, the Special Counsel recommended that the Committee open a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

With respect to all the Special Counsel's work in investigating alleged illicit use or distribution of drugs, the Committee voted to transmit all materials involved to the 98th Congress with the recommendation that the investigation be completed promptly next year.

III. FURTHER RECOMMENDATIONS

The Committee further recommends:

(1) that the Committee on Standards of Official Conduct be constituted immediately upon the convening of the 98th Congress;

(2) that the 98th Congress agree to a resolution that provides the Committee on Standards of Official Conduct with the same powers and authority provided to this Committee by House Resolution 518.

IV. CONCLUSION

The Committee has carried out its work over the past four and a half months with a determination to fulfill its responsibilities under House Resolution 518 and to carry out the House's constitutional responsibilities under Article I, Section 5, to investigate and discipline violations by its Members, officers, or employees. The Committee believes that significant progress has been made. But the work that has been started must be carried forward vigorously and promptly. The Committee is confident that the 98th Congress will do so.

This report was adopted by a show of hands, 11 yeas, 0 nays, on December 14, 1982.

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STATEMENT UNDER CLAUSE 2(b) OF RULE X

The Committee's oversight findings and recommendations are stated in sections I, II, and III of this report.

No budget statement is submitted.

APPENDIX

INTERIM REPORT OF THE SPECIAL COUNSEL TO THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

SPECIAL COUNSEL'S OFFICE

Joseph A. Califano, Jr., Special Counsel; Richard Cotton, Deputy Special Counsel; Hamilton P. Fox, III, Associate Special Counsel; and Gerald T. McQueen, Chief Investigator.

I. INTRODUCTION AND SUMMARY

On June 30 and July 1, 1982, tens of millions of Americans watched two teenagers, both former pages of the House of Representatives, with their faces shielded, declare on the CBS Evening News that they had been victims of sexual misconduct by Members of the House of Representatives. One page told of "homosexual advances" by Congressmen and Congressional staff. CBS said the page had been "homosexually harasssed."

The experiences described by the other page shocked the nation. He said that he had engaged in sexual relationships with three Members of the House of Representatives and that he had procured male prostitutes for House staffers. He told his interviewer that homosexual relationships were part of the system of what a page had to do to get ahead in the House. In June and July of 1982, these two former pages repeated those assertions—although with some inconsistencies—to newspapers and other television reporters, to the Federal Bureau of Investigation, and to investigators for the Committee on Standards of Official Conduct.

On July 13, 1982, the House agreed to House Resolution 518 which authorized and directed the Committee on Standards of Official Conduct to investigate allegations of:

> (1) Improper or illicit sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages;
>
> (2) illicit use or distribution of drugs by Members, officers, or employees of the House; and
>
> (3) the offering of preferential treatment by Members, officers or employees of the House in exchange for sexual favors or drugs.

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment is required and to advise the Committee of his findings and recommendations."

The Speaker, the Majority Leader, and Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member Floyd Spence in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made."

This interim report details the results of that investigation in the 97th Congress. The report responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations. This report of the Special Counsel sets out (1) the investigative work completed so far with respect to allegations involving sexual misconduct, (2) his findings and conclusions regarding this work, and (3) his recommendations on the work remaining to be done and on actions the Committee should take at this time.

IMPROPER OR ILLEGAL SEXUAL CONDUCT

The investigation conducted by the Special Counsel has extended beyond the original charges of sexual misconduct made by the two former pages. Pursuant to H. Res. 518, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives during the past three years. The Special Counsel has also investigated allegations that he has received of sexual misconduct involving preferential treatment but not involving pages.

The Special Counsel has found no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages. One of these pages testified under oath that he lied about having sexual relations with Members of the House and about procuring prostitutes for anyone. The other page, who had referred to homosexual approaches by Congressmen, testified under oath about three isolated instances of conversations in public places that lasted less than two minutes and involved no improper actions. This page testified that he himself no longer believed, in at least two of these instances, that there were any sexual overtones. The Special Counsel also independently investigated these allegations and has determined that the evidence conclusively indicates that all charges of sexual misconduct made by these two pages were false.

In the course of the investigation, the Special Counsel has received allegations of sexual misconduct from a variety of sources, wholly independent of the two former pages. The Special Counsel has completed investigation of most of these allegations. In most of these cases, the Special Counsel found no evidence to support the allegations.

In one instance, however, the Special Counsel has found reasonable indications that improper or illegal sexual conduct by an employee of the House may have occurred and, therefore, recommends that the Committee open a Preliminary Inquiry.

Under the Committee's rules, a Preliminary Inquiry is convened when evidence has been presented to the Committee that reasonably indicates that a violation may have been committed and the Committee determines that the evidence presented merits further inquiry. The individual named in a Preliminary Inquiry has the opportunity to present to the Committee, orally or in writing, a statement concerning the allegations that have been made. At the conclusion of the Preliminary Inquiry, if the Committee determines that the evidence establishes that there is reason to believe that a violation occurred, the Committee may direct that a Statement of Alleged Violation be issued to the individual involved. Full hearings must be held by the Committee on a Statement of Alleged Violation to determine whether to report a recommendation for disciplinary action to the full House. In this case, the Special Counsel recommends that the name of the individual who is the subject of the Preliminary Inquiry not be released publicly unless and until the Committee votes to issue a Statement of Alleged Violation.

The Special Counsel believes the evidence developed in this case requires the Committee, under its rules, to initiate a Preliminary Inquiry now, even though the full course of the proceedings cannot be completed in this Congress. The Special Counsel recommends that the Committee commence this Preliminary Inquiry, transmit all materials relevant to this matter to the next Congress, and recommend to the House leadership that the Committee on Standards of Official Conduct be constituted immediately upon the convening of the next Congress so that prompt action on this matter can be concluded expeditiously.

A small number of other instances of possible sexual misconduct involving pages or involving preferential treatment remain under investigation, and the Special Counsel recommends that the Committee transmit these matters to the next Congress with its recommendation that investigation of them be completed as early as possible next year.

The Special Counsel has found some evidence of other isolated instances of both heterosexual and homosexual advances to pages by individuals no longer associated with the House. Since these cases are beyond the jurisdiction of the Committee, investigation of these matters has not been pursued.

ILLICIT USE OR DISTRIBUTION OF DRUGS

In coordination with the Department of Justice and its Drug Enforcement Administration, the Special Counsel has been investigating allegations of illicit use and distribution of drugs involving Members, officers, or employees of the House. Both the Department of Justice and the Special Counsel have a number of matters under active investigation.

In one instance the Special Counsel has already found reasonable indications that illicit use and distribution of drugs by an employee of the House may have occurred and, therefore, recommends that the Committee open a Preliminary Inquiry now, under the same conditions described above with respect to the Preliminary Inquiry of sexual misconduct involving pages.

The rest of the Special Counsel's investigation of alleged illicit use or distribution of drugs by Members, officers or employees of the House is not yet at a stage where a report can be made in writing to the Committee. The Special Counsel, therefore, recommends that the Committee transmit the evidence developed in this part of the investigation to the next Congress with the recommendation that the investigation be carried forward expeditiously.

THIS REPORT

The balance of this report describes the work of the Special Counsel to date in investigating allegations of sexual misconduct. It sets forth:

(1) The scope and method of the investigation of sexual misconduct.

(2) The current operation of the page system.

(3) The problems that developed during the 1981–82 year that sparked rumors of a "page scandal" and provided the springboard for sensational allegations in the press.

(4) The basis for the Special Counsel's conclusion that the specific charges made by the two former pages are false.

(5) The findings of the Special Counsel concerning other allegations, received in the course of the investigation, of alleged sexual misconduct by Members, officers, or employees of the House.

(6) The findings and conclusions of the Special Counsel concerning the February, 1982, investigation of pages conducted by the U.S. Capitol Police.

A. Scope

Pursuant to House Resolution 518, the Committee through its Special Counsel undertook an investigation to determine whether any Member, officer, or employee of the House of Representatives had engaged in any way in improper or illegal sexual conduct involving congressional pages.

The investigation focused on the period from July, 1981, to June 1982, and on the allegations of two former pages that received national press attention beginning on June 30, 1982. But to ensure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods and about any kind of sexual advance, harassment, or relationship involving a congressional page and a Member, officer, or employee of the House. In this connection, the Special Counsel has tried to contact every page employed by the House of Representatives during the past three years. In addition, the Special Counsel investigated all information he received about alleged sexual misconduct by House Members, officers or employees involving preferential treatment even where that information did not involve congressional pages.

B. Method of investigation

Since Chairman Stokes and Ranking Minority Member Spence announced my appointment as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518 on July 27, 1982, I have been able to conduct this investigation with complete independence. I have had complete freedom to make all appointments to the Special Counsel's staff, which has worked entirely under my direction, independent of the permanent staff of the Committee and of any other congressional office. The bipartisan leadership of the House and the members of the Committee on Standards of Official Conduct have provided the resources necessary to conduct a meticulous, searching, no-holds-barred investigation. In the course of this investigation, the Special Counsel has had the wholehearted cooperation of the Attorney General and the Justice Department.

C. The page system

During 1981-82, the House maintained 71 positions for Pages. Pages must be high school juniors or seniors at least 16 but not more than 18 years of age at the time of appointment. Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees. Neither Committee has a systematic process for assessing the maturity of page candidates or their ability to hanle the freedom that pages enjoy in Washington.

Pages have a demanding daily schedule. Page School classes begin at 6:10 a.m. When the House convenes at noon, these classes typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5 p.m. or until the House adjourns for the day, whichever is later.

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. Outside of working hours, no one has clear responsibility for supervision. In fact, the Handbook issued by the Doorkeeper specifically states that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

Pages must find their own housing. In 1981-82, approximately 25 female pages lived in Thompson-Markward Hall, a dormitory-like facility with a curfew and other rules. The Page House Alumni Association housed approximately ten male pages until it closed its doors in August 1981. The rest of the pages resided in groups of two to six in apartments at various places on Capitol Hill, or in housing obtained through a university housing service.

Pages living in apartments had, in general, no adult supervision and no one easily available in the event of trouble.

The lack of effective supervision of pages outside of working hours has been sharply criticized for many years. At various times over the past 15 years, for example, Members of the House have called the House's failure to provide better supervision "unconscionable" and "inconceivable."

D. Origin of allegations

The Special Counsel has found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, overactive teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

In view of this conclusion, another important set of questions emerged in the course of the investigation: How and why did these charges come to be made? What was the source of the rumors of a "page scandal"?

It is clear that during the 1981–82 academic year, some pages behaved irresponsibly after working hours. There is abundant and convincing evidence, in the case of some pages, of excessive use of alcohol, all-night parties, some drug use, and a variety of other activities that no responsible parent would tolerate.

Leroy Williams, at that time a 17-year-old page in the House, left the page program abruptly at the end of January, 1982, when financial and other troubles became too much for him to handle. Events surrounding Williams' departure triggered an investigation by the Capitol Police of page drinking habits and parties, and of Williams' homosexuality. Two pages, unconnected to Williams, were terminated partly as a result of information developed by the Capitol Police investigation. This investigation, Williams' departure and the termination of the other two pages spawned rumors of a "page scandal." Though unreported in the press, these rumors came to the attention of many reporters.

In June, 1982, a CBS news reporter interviewed a 16-year-old page named Jeffrey Opp in Washington, D.C. and Williams in Little Rock, Arkansas. The Special Counsel requested that the reporter speak to investigators in the Special Counsel's office and offered him the opportunity to do so. The reporter declined that invitation.[1] Thus, the only information available about these interviews comes from the sworn testimony of Williams and Opp themselves. According to Opp, the reporter discussed with him lurid tales of sexual misconduct and homosexual prostitution in the Congress. The reporter asked whether Opp could confirm those stories or provide additional information. According to Williams, the reporter said Williams was being identified in Washington as a drug trafficker and "bad apple" who had been the source of the problems with the page system. The reporter told Williams he was offering him a chance to tell his side of the story.

Following these conversations, and on the basis of assurances that their identities would be kept secret, both teenagers agreed to give on-camera interviews with their faces shielded, to the CBS reporter. Those interviews yielded lies from Williams. In response to the reporter's questions, Opp twisted minor, at best ambiguous conversations with three Congressmen and one lobbyist and characterized them as "homosexual approaches."

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[1] The exchange of correspondence between the Special Counsel and CBS News appears at app. B.

Perhaps the most ironic twist of events was the role played by the CBS news reporter in bringing these charges to life. It appears to have been the reporter's discussion with Opp that inspired Opp to repeat these stories, with his own embellishments, to two of his Congressional sponsor's staffers. These staffers were initially suspicious of the sensational nature of Opp's charges. But, then this same news reporter told the staffers that Opp's charges had substance. It was these staffers who decided Opp should tell his story to the Justice Department. The department decided to investigate, at least in part because the staff of a Member of Congress considered the allegations to be serious. That Justice Department investigation itself became the "news" to which CBS pegged its June 30 and July 1 Evening News reports, including the shielded interviews of Williams and Opp.

E. Leroy Williams

Leroy Williams attended high school in Little Rock, Arkansas, where he was a "B" student involved in extracurricular activities, and where he belonged to a strict, fundamentalist church.

Williams assumed his duties as a page on June 29, 1981. Throughout the period Williams served as a page, his work was considered satisfactory, although his performance declined toward the end.

It was after working hours that Williams had problems. When the Congress went into its 1981 mid-summer recess, Leroy Williams remained in Washington alone. At this point the 17-year-old Williams first engaged the services of a male prostitute; he used male prostitutes on fifteen different occasions between August and January, 1982, ten of those times during the August Congressional recess.

Williams drank alcohol more and more heavily. By January, 1982, he thought he was "literally an alcoholic." His use of drugs also increased sharply and he got into increasily severe financial trouble. He failed to pay a large number of bills, wrote bad checks, and stole money.

Under increasing pressure, Williams finally left Washington by taking an automobile belonging to a fellow page.

After he arrived back home in Little Rock in February, 1982 Williams said he heard several reports from Washington that he was a "bad apple" and that he had been distributing illicit drugs. According to Williams, his anger and resentment came to a head in June, 1982, when the CBS news reporter appeared at Williams' home in Little Rock, and repeated these charges. Ten days later, on June 30, 1982, CBS News broadcast excerpts from its reporter's interview of Williams, creating a national sensation about homosexual relations between Congressmen and teenage pages.

Leroy Williams was interviewed by the F.B.I., various news organizations, and the Committee's staff in June and July, 1982. He did not tell the same story each time. But, in the course of these interviews, he claimed that he was propositioned by, and had sexual relations with, three congressmen, and that he arranged male prostitutes for a Senator and two other government employees. Williams also repeated to interviewers other allegations of sexual misconduct by Members and employees of the House which Williams claimed other pages had told him.

On August 26, 1982, Williams was reinterviewed by investigators from the Special Counsel's office, who had spend days documenting many inconsistencies and contradictions in Williams' allegations. Williams admitted to them that he had lied. On Saturday, August 28, 1982, he testified under oath at a deposition before the Chairman and Special Counsel of this Committee that none of the statements he had made about sexual misconduct were true. In subsequent testimony and interviews with the Special Counsel's staff, he also admitted that he did not believe most of the second hand information he had passed on.

The Special Counsel has concluded that there is no evidence to support any of Williams' original charges. In reaching this conclusion, the Special Counsel has not relied solely on Williams' recantation. Rather, the Special Counsel has conducted a detailed investigation of each one of William's allegations. Every bit of independent evidence collected supports the conclusion that Williams' original allegations were false and that he was telling the truth when he testified that he had lied about those charges.

F. Jeffrey Opp

Jeffrey Opp was the second page who appeared, with his identity concealed, on the June 30 CBS News Broadcast. Opp served as a page from January 4, 1982 until June 12, 1982. During the time he was a page, Opp went out of his way to challenge authority and to make people aware of his extreme political views. Not surprisingly, there was substantial tension between Opp and his supervisors in the Doorkeeper's office. He was known as a crusader, "someone who believed his goal in life was to change the system." Pages said Opp had a tendency to "blow things way our of proportion." The impressions of the staff who worked for Congresswoman Schroeder reinforce the view that Opp was prone to exaggeration. One staffer who had provided temporary housing to Opp for his first month in Washington said Opp had a "super-hyper imagination".

Opp's own behavior reflects this tendency. The day after meeting with the television reporter, Opp told two persons on the staff of his congressional sponsor that he had worked undercover for CBS for two weeks, helping investigate Congressmen involved with male prostitutes. Opp claimed that his apartment had been bugged, and that his roommate was a spy from the Doorkeeper's office. As he later testified, none of these statements were true.

In Opp's broadcast interview, he alluded to "homosexual approaches" that Congressmen had made to him. In interviews with the Federal Bureau of Investigation and this Committee in June and July, Opp described four specific incidents which he described as homosexual approaches. He also reported other allegations of sexual misconduct based on hearsay information.

The Special Counsel has found no evidence to support any of these allegations.

The personal experiences that Opp reported with three Members of Congress and one lobbyist were little more than conversations, each less than two minutes, occurring in public places and involving no improper actions.

Opp's perspective has changed on most of his June allegations. In September, he told one of his friends among the pages that most of his stories had been inspired by the television news reporter who had sought him out three months before. Opp testified at his deposition that his TV interview "was a 16 year old kid satisfying his ego."

Based on a review of Opp's testimony and information provided by others, the Special Counsel has found him to be a highly impressionable teenager, with a tendency to place interpretations on events that appear to have no rational connection to what actually occurred. The Special Counsel found no basis whatsoever to conclude that anything improper occurred in any of the four conversations cited by him as the basis for his allegations about his personal experiences.

The second-hand information provided by Opp has also proved to be unsubstantiated. Much of it was nothing more than teenage gossip. None of it was accurate.

A careful evaluation of information provided by Opp has yielded not a single piece of responsible evidence that improper actions occurred. All the evidence the Special Counsel has developed—including significant changes in Opp's own story—indicates that there is no support for his allegations.

G. Other allegations

During the course of the investigation pursuant to H. Res. 518, the Special Counsel has received a number of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. In some cases investigations are continuing. But the Special Counsel has concluded his investigation of most of the allegations received. Part V–D of this report summarizes the allegations investigated where no evidence was found to support further investigation. No further investigation will be pursued where the allegations concerned persons no longer associated with the House of Representatives.

H. February 1982 page investigation by U.S. Capitol Police

The United States Capitol Police (USCP) conducted a brief investigation into allegations of misconduct involving pages in early February, 1982. The Committee decided that the February investigation should be reviewed to determine whether the Capitol Police had information relevant to the Committee's investigation pursuant to House Resolution 518.

The Special Counsel has reviewed the written records of the USCP investigation, and has interviewed or deposed the following individuals: the Capitol Police detective who carried out the investigation and his superiors; individuals in the offices of the Doorkeeper and the Sergeant-at-Arms; Members of the House and their staffs who received information about the investigation; and pages who were interviewed by the USCP.

Based on the evidence obtained in the course of this investigation, the Special Counsel has found that the Capitol Police investigation was based on allegations of misconduct by pages, and that at no time in the course of the investigation did the police receive any significant allegations of misconduct by anyone else. The Special Counsel has concluded the decision to terminate the investigation was reasonable from the point of view of the Capitol Police.

But there was a serious failure on the part of the House as an institution. The Capitol Police developed information about page misbehavior that required further action. Yet no one took the action that was plainly required—because no one is charged with responsibility for supervising the teenage pages after working hours.

Based on the evidence received in the course of this investigation, the Special Counsel believes that there is an urgent need for the House of Representatives to fix responsibility—formally and in writing—for the supervision of pages after working hours. In the Special Counsel's judgment, the lack of clear responsibility led directly to the failure to address the serious problems of misconduct that developed among the pages in 1981 and 1982. If the House chooses to employ teenage high school pages, establishing a page dormitory and a Page Board are steps in the right direction. But unless responsibility for supervision of teenage pages after working hours is clearly established, the problems that developed in 1981-82 are likely to recur.

II. SCOPE OF INVESTIGATION INVOLVING SEXUAL MISCONDUCT

A. Language and legislative history of House Resolution 518

The Special Counsel has taken the language and legislative history of H. Res. 518 as the guide in determining the proper scope of the investigation involving sexual misconduct.

Section 1 of H. Res. 518 directs the Committee to investigate "alleged improper conduct [1] referred to in this resolution [2] which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies. . . ."

The conduct "referred to in this resolution" is the conduct described in the "Whereas" clause of the resolution, specifically,

> (1) alleged improper or illegal sexual conduct of Members, officers, or employees of the House;
>
> . . . and
>
> (3) the offering of preferential treatment by Members, officers, or employees to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) . . .

The discussion of H. Res. 518 on the House floor on July 13, 1982, leaves no doubt that the "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" referred to conduct involving pages.

The resolution was introduced by Chairman Louis Stokes and Ranking Minority Member Floyd Spence on July 13, 1982, in the aftermath of reports of sexual misconduct involving pages. Chairman Stokes explained that, on July 1, he had instructed the staff of the Committee "to commence a thorough investigation of the allegations as reported by the media at that time." 128 Cong. Rec. H4012 (daily ed. July 13, 1982). He urged passage of the resolution to enable the Committee to "proceed in an orderly fashion in pursuing this investigation." Id.

Representative William Alexander, who spoke in favor of the resolution, referred to "allegations of scandal . . . levied against the Members of Congress as well as the pages who assist them." Id. at H4035. He then quoted from a letter he had received from a former page, stressing the page's hope that "the Congress will take speedy action to restore the honor, dignity, and pride that pages enjoy who have served in the Congress." Id.

Representative Margaret Heckler, who urged the appointment of a special prosecutor to investigate the allegations, stated:

> We are dealing here with entirely new and far more sensitive areas of abuse of power if the allegations are true. I think we have a responsibility *to the young people who are the pages,* to our service in this Congress, and to the people of America, to the parents, to the Congress itself, to deal with the sensitivity of this situation so as to inspire confidence in the integrity of this Congress. Id. at H4036 (emphasis added).

The resolution's reference to conduct "which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies" reinforces the conclusion that the sexual misconduct to be investigated involves congressional pages. In the area of sexual misconduct, the "recent investigation" by the Department of Justice and the Federal Bureau of Investigation concerned allegations about misconduct of House Members and employees involving pages. In addition, the United States Capitol Police had conducted an investigation in February, 1982, which also focused specifically on House pages.

The intended meaning of H. Res. 518 appears clear. The references to "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" are directed at sexual misconduct involving pages. The first phase of the Special Counsel's investigation has, therefore, addressed this subject.

This phase of the investigation focused on the period from July, 1981, to June, 1982,[2] and on allegations made by two former pages that received national press attention beginning on June 30, 1982. To insure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods. In addition, to the extent that the Special Counsel received information about alleged sexual misconduct by House Members, officers or employees involving preferential treatment that did not involve congressional pages, but fell within the literal terms of H. Res. 518, the Special Counsel also investigated such allegations.

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[2] This time period covers the terms of service of virtually all the pages whose employment overlapped with that of the two pages whose allegations were reported in news broadcasts on June 30, 1982 and July 1, 1982.

Finally, H. Res. 518 refers to "Members, officers, or employees" of the House. In keeping with this language and the jurisdiction of the Committee, the scope of the investigation has not extended to allegations concerning former Members, officers, or employees.

B. Definition of sexual misconduct

In recognition of the special situation of congressional pages, the Committee and its Special Counsel have broadly defined "improper sexual conduct" in determining whether particular allegations involving pages should be investigated.

House pages are generally high school juniors and seniors, between 16 and 18 years of age. By statute, they cannot be appointed until their parents or legal guardians have been fully informed of the nature of their work, pay and working conditions, and the housing accommodations available to them.[3]

Congress plainly accepts a considerable responsibility for pages.[4] That responsibility is necessarily shared by every Member, officer and employee of the House. Where preferential treatment is, expressly or implicitly, an element of a sexual relationship between a Member, officer or employee and a page, or an element of a sexual overture or advance directed at a page, the conduct explicitly falls within H. Res. 518. But considering the young age of these pages and the fact that they are away from home and dependent on the House for school, work and money to live on, any sexual advance or relationship of any kind involving a page and a Member, officer or employee potentially entails an element of either preferential treatment or coercion, and hence an abuse of office or position.

The investigation has, therefore, proceeded on the assumption that any sexual relationship, whether homosexual or heterosexual, between a page and a Member, officer or employee, or any sexual harrassment, overture or advance directed at a page by a Member, officer or employee, should be investigated as potentially "improper sexual conduct" under H. Res. 518.

C. Allegations involving the Senate

In some instances, the Special Counsel has received information bearing on Members, officers, or employees of the Senate. The Special Counsel has not investigated these matters because the jurisdiction of the Committee runs only to the House. At the direction of the Committee and in accordance with arrangements with Senate Majority Leader Howard Baker, the Special Counsel has referred all such information to the Select Committee on Ethics of the U.S. Senate.

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[3] 2 U.S.C. § 88b-1(a)(2).

[4] On a number of occasions the House has considered discontinuing the use of high school teenagers as pages. For example the Legislative Reorganization Act of 1970, Public Law 91-510, 84 Stat. 1198 (1970), as originally introduced, would have barred the appointment of pages who had not yet completed the twelfth grade of their secondary school education. 116 Congressional Record 32,229 (1970). Among the reasons commonly offered for using older pages is the desirability of minimizing or eliminating Congress's supervisory responsibility for pages. See e.g., Speaker's Commission on Pages, report to the Speaker, 97th Congress, 2d Session 7 (1982); H. Rept. 91-1215, 91st Congress 2d Session 29-30 (1970).

III. HOW THE INVESTIGATION WAS CONDUCTED

A. Appointment of the Special Counsel and staffing of the Special Counsel's Office

Shortly after Chairman Stokes and Ranking Minority Member Spence announced the appointment of Joseph A. Califano, Jr. as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518, Mr. Califano assembled the staff of the Special Counsel's office. In staffing the office, as throughout the investigation, the pledges of independence were unequivocably supported by the Democratic and Republican House leadership.

Mr. Califano appointed Richard Cotton as Deputy Special Counsel, Hamilton P. Fox, III, as Associate Special Counsel, and Gerald McQueen as Chief Investigator. Mr. Cotton, a partner in Mr. Califano's law firm, had just completed a six-month internal investigation for an international labor union. Mr. Fox had served as a federal prosecutor for six and a half years, as an Assistant U.S. Attorney, Deputy Chief of the Justice Department's organized crime section, and a member of the Watergate Special Prosecution Force. Mr. McQueen, a New York City homicide detective with 23 years' experience, had won national recognition as the commander of an elite detective squad assigned to solve Manhattan's most difficult homicide cases.

The staff of the Special Counsel's office has averaged nine lawyers, seven investigators, three researchers and six clerical employees.

B. Characteristics of the investigation

Since July 27, 1982, the Special Council's office has attempted to investigate every specific allegation[5] that has come to its attention concerning the subject matter of H. Res. 518. In addition, the office has mounted wide-ranging efforts to contact individuals who might have information bearing on the subject matter of the investigation.

Attorneys and investigators on the Special Counsel's staff have carefully examined and followed up hundreds of leads, allegations and rumors. They have interviewed more than 150 individuals, many more than once, and conducted more than 50 despositions. They have travelled some 40,000 miles to interview witnesses in 40 cities. Forty-five subpoenas have been issued: 31 to compel oral testimony, 14 to compel production of documents. In addition, the office has made numerous requests to such agencies as the FBI, the United States Capitol Police and the Metropolitan Police and to the broadcast media for materials which were voluntarily produced. Where necesssary to follow up on specific allegations, investigators have reviewed financial and telephone records.

While it was essential to investigate each one of the specific allegations that prompted the passage of H. Res. 518, the Special Counsel decided that the mandate of H. Res. 518 required the Committee to seek out information that might bear on the subject matter of the investigation from all available sources. The Special Counsel initiated a number of separate inquiries to carry out this obligation.

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[5] Some allegations concerned events so far in the past or were so vague that investigation was not practicable.

First, lawyers and investigators interviewed more than 75 pages who had recently served in the House, and personnel in the Doorkeeper's office whose duties include supervision or direction of pages.

Second, the Special Counsel sent a letter requesting any information bearing on the subject matter under investigation to each of 516 former pages who had not already been contacted in person. These individuals served in the House of Representatives from September, 1979, through August, 1982. The text of this letter is reproduced in Appendix B to this report. Eighty-nine pages responded; 71 responded in writing, an additional 18 by telephone. Most said they had no information, but 11 responses contained relevant information or allegations of misconduct that required further investigation.

Third, the Special Counsel requested and obtained from the Capitol Police all documents and records for the years 1977 through 1982 that contained information bearing on the subject matter under investigation.

Fourth, the Special Counsel made similar requests of the Doorkeeper of the House of Representatives, whose office is in charge of the page system, and of the Sergeant-at-Arms of the House of Representatives, who, together with the Sergeant-at-Arms of the Senate and the Architect of the Capitol, directs the Capitol Police.

Fifth, lawyers and investigators interviewed current and former teachers at the Capitol Page School concerning their knowledge of the subjects under investigation. Investigators also reviewed files of individual pages at the Capitol Page School and interviewed teachers from other educational institutions who had had contact with pages in seminars and special classes.

Sixth, the Special Counsel's office examined a comprehensive compilation of press reports on the subject matter of H. Res. 518 and viewed videotapes of television news reports to identify specific allegations that merited investigation.

C. Relationship with the Department of Justice

From June through August, 1982, the Department of Justice investigated allegations of sexual misconduct by members of Congress and their staff. On August 31, 1982, the Department announced that it had closed that investigation because, as a Department spokesman stated, "there is insufficient evidence to warrant a federal prosecution or further investigation."

On behalf of the Committee, the Special Counsel requested that the Attorney General make available to the Committee and its Special Counsel all written materials developed by the FBI in carrying out this investigation. On September 29, 1982, the Public Integrity Section of the Justice Department transmitted to the Special Counsel 244 documents, consisting primarily of summaries of interviews carried out by FBI agents in the course of this investigation. The names of certain witnesses who had requested confidentiality were deleted. The Justice Department informed the Committee that, with this exception, it had provided all the evidence collected.

D. Limits on the investigation

Any investigation of "improper or illegal sexual conduct" poses difficult obstacles and delicate problems. The Special Counsel's office has had to depend in large measure on interviews and depositions under oath to investigate these matters. Developing evidence depends on the willingness of individuals to come forward and to respond honestly to investigator's questions.

The investigation that has been conducted has, in the judgment of the Special Counsel, been as thorough as is reasonably possible. In an area involving such intimate conduct, such human sensitivity and so many individuals, it will never be possible to declare with certainty that every instance of what every citizen would consider "improper sexual conduct" has been detected. But the Committee, the House and the American people can be assured that every effort was made to contact individuals who might have relevant information. Every allegation put forward has been and will be pursued to the point where the Special Counsel concludes that there is no basis for it in fact, or that a preliminary inquiry is justified.

This has not been an inexpensive or pleasant task. It has taken much time, persistence, and patience on the part of Members of this Committee and attorneys and investigators in the Special Counsel's office, and the support of bipartisan House leadership and the Committee on Standards of Official Conduct. For many young Americans, a good number still teenagers, this investigation has been a difficult experience. But it has taken this kind of inquiry to provide the American people the assurance that the House of Representatives has the institutional stamina and courage to investigate its Members, officers, and employees searchingly and thoroughly.

IV. BACKGROUND: THE PAGE SYSTEM OF THE HOUSE OF REPRESENTATIVES

Because this investigation focused on pages and their relationships with Members, officers and employees of the House, it is essential to begin with an understanding of the page system. The House has relied on teenage pages as messengers since the early 1800's, and the system has survived many debates about its desirability, including the most recent review conducted this past summer by the Speaker's Commission on Pages. The key features of the page system—the selection process, the duties of pages, and the extent to which they are supervised—are described briefly below.

A. Selection process and qualifications

During 1981-82, the House maintained 71 positions for House pages. Most page appointments run for six months or a year, although some appointments—typically in the summer—are for periods of two months or less.

Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees from the candidates nominated. At the time of appointment, they must be high school juniors or seniors, at least 16 but not more than 18 years of age. The Republican Personnel Committee requires that pages have had at least a "B" scholastic average in their home town high school; the Democratic Committee requires at least a "C" average.

Any Democratic Member of Congress may submit a recommendation to the Committee on Democratic Personnel requesting that an individual be appointed as a Democratic page. Typically, these recommendations provide the Committee with some information about the candidate, but the Committee has no application form and requires no specific information other than a birth certificate. The nominations are not considered on any particular date. The Committee's staff accumulates nominations until approximately ten are pending. These nominations, ranked according to the seniority of the Member making the nomination, are then submitted to the Committee Chairman, who makes the selections. The Committee conducts no independent check of a page's qualifications. The sponsoring Member is responsible for screening applicants and establishing that they meet the age, school year, and academic criteria.

The Committee on Republican Personnel has a printed application form, which requires a school transcript, an essay on why the applicant wants to be a page, a statement of extracurricular activities, and letters of recommendation. The Committee also requests that the Member personally interview the applicant and requires that sponsoring Members return the application materials by April 1 of each year. Information on each candidate is summarized by the Committee's staff, and page selection is made by Committee vote. In selecting pages, the Committee gives preference to Members who have not previously sponsored a page.

Neither Committee has established a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

B. Duties of House pages

Pages do not work for the individual Members of Congress who sponsor them. They receive direction from the staff of the Doorkeeper of the House, and work out of a central location just off the House Floor.

Pages never become involved in the substantive give-and-take of the legislative process. Their duties are exclusively those of clerical workers and messengers. They are generally assigned to the House floor, to the Democratic or Republican Cloakroom, or to positions as "running" pages. A page assigned to the House floor carries messages to and from Members and assists in assembling and distributing legislative materials on the floor. A page assigned to the Democratic or Republican Cloakroom answers telephones, carries messages to Members, and performs chores requested by Members while they are in the Cloakroom. "Running" pages deliver materials to congressional offices and to Members on the floor. Several pages serve as documentarians, processing House documents and operating the system of bells that call Members for votes. One is assigned as the Speaker's page.

The daily schedule of all pages, regardless of their assignment, is demanding. All are required to attend the Capitol Page School. Those enrolled for credit must maintain a "C" average; the rest are required to bring assignments from their home school and observe supervised study hours. Classes at the Capitol Page School begin at

6:10 a.m. and, on days when the House convenes at noon, typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5:00 p.m. or until the House adjourns for the day, whichever is later.

C. Supervision of pages

(1) Working hours

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. The four to six pages working in the Democratic Cloakroom and the similar number working in the Republican Cloakroom report to the respective Managers of the Cloakrooms. The Democratic and Republican floor pages report, respectively, to the Majority and Minority Chief Pages, who are adult supervisors employed by the Doorkeeper of the House. The "running" pages, who are also supervised by the Majority and Minority Chief Pages, have intermediate supervisors drawn from the ranks of the pages themselves. These page "overseers" answer the telephones to receive requests for messenger service and then make assignments to "running" pages.

While the Doorkeeper of the House has overall responsibility for the pages, the Deputy Doorkeeper exercises disciplinary authority and receives reports from the two Cloakroom Managers and the two Chief Pages.

(2) Nonworking hours

Outside of working hours, no one has responsibility for supervision. In fact, the Handbook issued by the Doorkeeper specifically asserts that it is a condition of appointment that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

No individual in the Doorkeeper's office is formally responsible for counseling pages on problems outside of work or for seeing that they stay out of trouble. Some individuals in the Doorkeeper's Office show a good deal of concern for the pages' well-being, especially when it becomes apparent that a page is in some kind of difficulty.

The salary of teenage House pages—approximately $700 every month—represents far more money than most of them have previously had to manage.

Pages are responsible for finding their own housing. In 1981–82, pages generally resided in groups ranging from two to six in apartments located at various places on Capitol Hill, or in housing obtained through a university housing service. Apartments are frequently passed on from one page to another. Pages living in apartments had, in general, no adult supervision and no one easily available in the event of trouble.

Approximately 25 female pages lived in Thompson-Markward Hall, referred to by the pages as the "Y" because it is a dormitory-like facility with relatively strict curfew and other rules. The Page House Alumni Association, a non-profit organization created through the efforts of an employee of the Doorkeeper's office, provided dormitory-style housing for about ten male pages until August of last year.

Committee investigators interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious alcohol, drug or other problems with pages who had been their tenants. One, however, complained about excessive drinking and loud and boisterous parties.

The lack of effective supervision of pages after working hours has been sharply criticized for many years. Members of Congress have frequently called attention to the problem. In 1969, for example, Representative Andrews of North Dakota noted:

> It is unconscionable for Congress to bring these boys to the Washington metropolitan area and put them in some catch-as-catch-can accommodations where they lack supervision and decent quarters. If we are going to have high school boys working for the Congress they should have adequate quarters and proper supervision." Hearings before the Legislative Branch Subcommittee of the Committee on Appropriations, 91st Cong., 1st Sess. 497 (1969).

In 1970, Representative Green of Oregon stated:

> It is inconceivable to me that this situation has been allowed to continue. * * * We bring youngsters—oftentimes from rural areas—turn them loose in a metropolitan area with more money than they have ever before had in their pockets and with absolutely no supervision in off hours. * * * [I]t is incumbent upon us to provide these facilities in terms of housing and also in terms of classrooms. They find their own rooms in rooming houses or in tourist homes. I repeat—they have no supervision at all in their spare time. There is absolutely no one who is looking after their nutrition, their meals. 116 Cong. Rec. 32278 (1970).

Testifying this past summer before the House Subcommittee on Legislative Branch Appropriations, the Doorkeeper of the House stated:

> They [the pages] are wards of the Congress. Once we bring them here, we have to assume some responsibility. We have already had some incidents. * * * It is a very serious problem. Hearings on Legislative Branch Appropriations before Subcommittee on Legislative Branch Appropriations of the House Committee on Appropriations, 97th Cong., 2nd Sess., pt. 2 at 49 (1982).

Because of concern over the absence of effective supervision, Congress has on a number of occasions considered discontinuing the use of high school age pages.

V. RESULTS OF INVESTIGATION

The publicity given to the allegations made by Williams and Opp gave new life to every rumor and piece of gossip any page had ever heard. Once the House commissioned an investigation of sexual misconduct involving pages, any allegation repeated seriously by a page had to be investigated. Investigators have reconstructed conversations and rumors that were born in a milieu of teenage gossip and braggidocio. Investigators have time after time tracked a story from one page to another and finally to its source. In most instances, these allegations have proved without foundation—the result of a teenager trying to sound experienced, or the result of a drunken story invented on the spur of the moment at a party. Hundreds of hours of investigation have been required to reach these conclusions, and the results are set out below.

Not all of the allegations of sexual misconduct received by the Special Counsel have yet been fully investigated, however. In one case, the Special Counsel has recommended that a Preliminary Inquiry be initiated by the Committee, and the investigation of this case is continuing. The Special Counsel also continues to investigate a limited number of other allegations of sexual misconduct. No details will be provided at this time on any of the matters still under investigation.

This section discusses, first, the origins of the rumors about a "page scandal," and the events leading up to the charges made by Williams and Opp. The second and third parts of this section then examine in detail the allegations made by Williams and Opp, the investigation of these allegations, and the basis for the findings and conclusions reached by the Committee's Special Counsel.

Finally, the fourth part of this section briefly reviews a variety of other allegations of sexual misconduct received by the Special Counsel and his findings and conclusions concerning them.

A. The origin of the allegations

(1) The 1981–82 year: The extent of alcohol use, drug use, and other misbehavior among pages

(a) Overview.—The Committee's investigation has found evidence of serious misbehavior by at least some of the pages during nonworking hours over the 1981–82 year. These problems mirror those found elsewhere in the nation—alcohol abuse, drug abuse, late-night parties—but they were intensified by the complete freedom teenage pages enjoyed and the lack of any supervision after work.

Information provided to the Special Counsel indicates that many House pages routinely drank alcoholic beverages during the 1981–82 year, and many got drunk at large parties that occurred almost weekly. A lesser but still significant number of pages drank excessively at smaller gatherings that occurred two or three times a week. A small number of pages also used drugs—caffeine pills, marijuana, and, in at least some instances, cocaine. Some pages used amyl nitrate, an over-the-counter substance inhaled through the nose. Information obtained by the Special Counsel indicates that alcohol abuse was far more prevalent than the use of other drugs. For example, pages often described the extent of marijuana use to Committee investigators as no more, and some said it was less, than they had witnessed at their home high schools.

Individual experience differed markedly. Pages tended to form small cliques, and a page's experience outside of work depended on his or her clique. The information provided to the Special Counsel suggests that the pages fell roughly into three groups. One group, generally those who lived in the supervised housing, abstained almost entirely from use of alcohol and other drugs. A second group, the largest numerically, tended to follow a middle path: They consumed alcoholic beverages (primarily beer) on occasion, and some in this group, particularly at parties, did drink to excess. This group experimented little with drugs. Finally, a third group—pages who lived in apartments and who saw themselves as more "mature" and independent—had the least disciplined life style. They attended more parties, drank a great deal, and were far more likely to use drugs.

(b) Alcohol abuse by pages.—The major drug problem that the pages themselves perceived was alcohol. Virtually every page interviewed on the subject stated that alcohol was easily available to underage pages from certain restaurants, bars, and liquor stores in the Capitol Hill area of Washington.

The Special Counsel received information that pages generally consumed alcohol in three different circumstances: at lunchtime, at small informal gatherings at night, or at larger parties given by and attended by pages.

Pages generally ate lunch in the government cafeterias on Capitol Hill. On occasion, however, pages would journey a few blocks to several restaurants on Pennsylvania Avenue and elsewhere in the area of the Capitol. The Special Counsel received varied testimony and information as to how frequently pages went to restaurants at lunch time. One page testified that some pages went out often and would frequently get drunk at lunchtime. Another testified that one page had been sent home after lunch for being drunk. Two pages testified that they ate lunch at the Pennsylvania Avenue restaurants a maximum of three to four times during the year, drank beer, but never got intoxicated. Another page discounted the stories of drinking at lunch as teenage boasting.

Pages engaged in different activities after working hours. Some reported that they had little social life; they simply returned to their living quarters, ate dinner, did homework, and went to bed early, because they had to arise at five a.m. each weekday. Others led more active social lives. For example, a group of five or six pages—of whom Leroy Williams was one—would gather at one another's rooms two or three evenings a week. At such gatherings, beer was the standard drink and hard liquor was often available. These gatherings sometimes became all-night sessions—with pages "passing out," sleeping in their clothes until it was time to go to class.

During the 1981–82 year, pages also attended a number of larger parties. Estimates on the frequency of these parties have ranged from once a week to once a month. The variations in these estimates can be attributred to the frequency with which individual pages heard of or attended parties, and to differences in defining what constituted a "party," as distinguished from a more informal get-together. Nonetheless, large parties apparently occurred with some frequency. Alcoholic beverages were available at these parties, including hard loquor as well as beer. A good deal of drinking took place at these parties, and it was not uncommon for pages to become intoxicated.

For example, one page testified that at "every party that I attended" alcohol was consumed, and that pages got drunk at "most" page parties the page had attended. Two other pages testified about parties at which they might have had so much to drink that they could not remember conversations or events that took place at the party. Another testified the pattern changed during the course of the year:

> I think pages abused that privilege of being on their own, so they drank when they first got there. But after the first few months some maintained drinking but some just dropped it and thought it was ridiculous, a waste of time, you know, do it every now and then. But the way they first came, it was like every single night, school nights and everything.

Several parties stood out in the minds of individual pages because of specific events. Pages recalled one party where a fight broke out between a page and two non-pages; another where Leroy Williams was so drunk he fell and cut himself badly; one where a female page developed a nose bleed as a result of inhaling something; a fourth which was a "going-away" party for Leroy Williams; a year-end party where both alcohol and marijuana were available to pages.

In summary, alcohol use was extensive among pages during the 1981–82 year, and among some groups of pages and individuals it was seriously out of hand.

(c) Drug abuse by pages.—The Special Counsel has not completed the investigation of allegations concerning illicit use or distribution of drugs by Members, officers, or employees of the House. This report does not set forth any specific findings concerning such use or distribution. but it would be incomplete and misleading to address the sexual allegations involving pages without providing as background a description of the general sense obtained to date of drug use among the pages during 1981–82. Snce these matters are still the subject of an active investigation by the Special Counsel and the Department of Justice, the summary presented here must necessarily be both partial and general.

The information gathered by the Special Counsel to date indicates that there was drug use by some pages during 1981–82. This drug use fell into four categories:

> First, some pages used high dosage caffeine pills, amphetamines, or diet pills normally available only by prescription. Often these pills were used to keep awake during school and working hours.
>
> Second, some pages used amyl nitrate, a substance known colloquially by a variety of names: "poppers," "rush," or

> "locker room." This substance comes in hard capsules which are broken open to allow the substance to be sniffed and give the user a "rush." It is reputedly used to enhance sexual performance. This substance is available over the counter.
>
> Third, some pages smoked marijuana. The information obtained to date is not sufficient to determine the extent of marijuana use among the pages. But pages have said that it was used occasionally by some pages and that marijuana was smoked by a few pages at parties.
>
> Fourth, the evidence received to date indicates that four pages may have used cocaine on a few occasions, although there is conflicting evidence on whether all four used it and, if so, how often. The information obtained to date is also not sufficient to reach a firm conclusion at this time about the extent of cocaine use among pages.

The evidence the Special Counsel has received, therefore, indicates that illegal drugs were used by some pages during 1981-82. No use of drugs by teenagers can be viewed as anything other than a grave and serious matter. But the evidence received to date indicates that the majority of pages did not use drugs during 1981-82.

(2) Events of January to June, 1982

(a) Leroy Williams' departure from Washington, D.C.—The departure of Leroy Williams from Washington, D.C. is the event that brought attention to the activities of some pages. Williams had arrived as a page in June, 1981. He had been promoted to the position of page overseer in July, 1981. To all outward appearances he was doing well throughout the Fall of 1981. To the other pages, Williams appeared to have a lot of money, dressed well, and moved with a group of pages that partied and drank a lot.

On Friday, January 29, 1982, Williams turned his books in to the Secretary of the Capitol Page School. That night there was a farewell party for him. He left Washington that weekend.

Williams' departure might have been both the beginning and the end of the story were it not for Williams' landlady. She had been in regular contact with Williams' supervisor in the Doorkeeper's office, seeking assistance in collecting back rent. The Tuesday after Williams' departure, she reported to his supervisor that Williams had left behind some things in his room, including someone else's wallet. The supervisor informed her that the owner of the wallet was a page who had reported her wallet missing from the House Republican Cloakroom about two weeks earlier.

Based on this information, the landlady contacted the Capitol Police.

(b) The Grossi investigation.—When the page's wallet had first been reported missing, the Capitol Police had assigned the matter to Sgt. John Grossi of the Criminal Investigation Division. On February 2, 1982, Williams' landlady met with Grossi and gave him the missing wallet. She informed Grossi that she had found the wallet when she was cleaning out the room of Leroy Williams.

Williams' landlady also told Grossi, that she had information concerning misconduct by pages. Grossi testified that she said that there had been "wild parties" at Williams' apartment and that "quite an amount of liquor and beer had been consumed." She reported receiving many complaints of loud all-night parties and broken liquor bottles in the trash area of the apartment building.

Finally, the landlady told Grossi about "pornographic material" which she had found in Williams' room. According to Grossi, she said that she had found "a particular type of magazine that lists homosexuals and . . . how you can get in touch with them."

During the next nine days, from February 2 to February 11, 1982, Grossi investigated not just the page's stolen wallet, but general misconduct of pages, including possible page involvement in homosexual activities.

Grossi interviewed eight pages. Both his recollection and his contemporaneous written reports indicate that the pages he interviewed confirmed that parties had occurred at which pages drank heavily. Grossi pressed for details in his interviews about the use of alcohol and the use of drugs among pages. He questioned the pages about Williams' homosexuality, about homosexuality among other pages, and about sexual activity between pages and "non-page adult." According to Grossi's recollections, he did not ask questions about sexual activity involving either Members of Congress or congressional staff. He testified he had no reason to ask these questions because he had received no information suggesting such involvement. Nonetheless, it appears that at least two of the pages whom he interviewed interpreted his questions to mean that he was asking about Members of Congress and about congressional staff.

Grossi's reports list eight pages as directly or indirectly involved in loud parties, excessive drinking, forays to the Fourteenth Street "red light" district allegedly in search of prostitutes, or use of amyl nitrate. Grossi testified several pages told him that "the problem would no longer be a problem . . . if they just got rid of a certain group that was causing these problems."

In the course of his investigation, Grossi provided his written reports to Benjamin Guthrie, the Sergeant-at-Arms of the House. Guthrie provided information and copies of the reports to James Molloy, Doorkeeper of the House. Molloy in turn discussed these matters with several of his subordinates, at least some of whom also read Grossi's reports.

In a February 11, 1982 meeting, Guthrie directed Grossi to close his investigation.[6]

(c) Actions following Grossi investigation.—Based on the information that Grossi developed, three actions occurred:

1. Two pages were terminated—technically on the grounds that they had grades below a C average at the page school.
2. Doorkeeper Molloy informed sponsors of pages mentioned in Grossi's report that their pages' names had come up in the investigation.
3. Certain individual pages were reprimanded, and all pages were cautioned about their personal behavior.

Page terminations: One page reported by Grossi as a source of problems—Williams—had already left Washington. Molloy removed him from the page rolls to reflect administratively what had already occurred in fact.

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[6] A further discussion of the Capitol Police investigation appears in Appendix A.

During the Grossi investigation, Molloy discovered that two of the pages named in Grossi's reports had just then received midterm grades which fell below a C average. These two pages had come to his attention as poor workers in the past. He decided to terminate these two pages. To avoid giving them a bad record, Molloy justified the termination entirely on the basis of their grades. Molloy's recollection is that he simply informed the sponsoring Members that the pages were being sent home.[7]

Molloy discussed another page identified by Grossi as a troublemaker with the page's immediate supervisor, and with the sponsoring Member. The supervisor reported to Molloy that the page in question was a hard worker and carried out his duties well. Molloy testified that the page's sponsor argued against the page being sent home on a number of grounds. Based on these conversations, Molloy decided not to terminate this page. But he asked the supervisor to have a tough conversation with the page and give him a strong warning that, if any further reports of misbehavior were received, he would be terminated.

Notification to Members: Guthrie and Molloy testified that they had one conversation with the Speaker of the House about the Capitol Police investigation shortly after the investigation began. The Speaker asked Molloy to notify the congressional sponsors of pages whose behaviour was under investigation. Molloy made a round of visits and telephone calls to carry out this instruction. In some circumstances, he could not reach the Member personally, and in some of those instances he provided the information to the Members' staff.

General followup by Doorkeeper's Office: About the middle of February, the Deputy in the Doorkeeper's Office, Jack Russ, convened a meeting of all pages. Russ covered a number of topics at this meeting. He included a strong warning to all pages against bouncing checks, drinking alcohol, or giving or attending wild parties. He alluded to the departure of several pages, with the implication that he hoped that there would be no further problems. Either at this meeting or at other times, pages received the clear impression that the Doorkeeper's Office did not want them to discuss these matters with the press.

(d) Rumors of a "page scandal" and press followup.—By mid-February, 1982 many people knew of the Capitol Police investigation and the existence of some page problems. The pages themselves were very much aware of the inquiry. The eight pages whom Grossi interviewed and the several additional pages named in his report were acutely interested in what the Capitol Police were finding. The nature of some of Grossi's questions to the pages inevitably had fueled speculation. Rumors abounded as interviewed pages read additional implications into Grossi's questions and speculated with others on what lay behind those questions. One page testified that another who had been interviewed speculated that Grossi

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[7] Staff members of the sponsoring Members recall that Molloy mentioned that the pages being dismissed had been named in an investigation. But staff of one of the Congressional sponsors believed that it was the sponsoring Member, and not Molloy, who decided to send the page home on the basis of bad grades. The sponsor of the other page recalls discussing with Molloy several reasons for his page's dismissal, including poor grades.

thought Williams was a homosexual liaison for Members of Congress.

Some pages may have had a motivation to spread these rumors. Pages whose conduct was under scrutiny were not happy about the investigation or Molloy's complaints to their sponsors. The Special Counsel received evidence that some pages may, out of anger, have spread, or threatened to spread, malicious stories about Members of the House.[8] An aide to Representative Patricia Schroeder, who sponsored Opp, recalls that Opp telephoned him one night in February from a page party, and told him that if the pages were going to be criticized they would take a few Members of Congress with them. A congressional staff person called the staff of the House Committee on Standards of Official Conduct on February 11 to report the rumor—along with a host of inaccurate details—that Williams had been a homosexual pimp for Members of Congress. When traced to its source by investigators for the Special Counsel, the source turned out to be Opp.

Beyond the pages, some sponsoring Members, the staff of some of those Members, and at least four or five staff members in the Doorkeeper's Office knew not only of the investigation but also of some details. In all, at least 20 to 30 people, probably more, knew something about the problems that had been discovered with the pages. Capitol Hill was described by one witness in his deposition as "the rumor capitol of the world." In this environment, it did not take long for news of the page investigation to travel.

The rumors quickly reached reporters. On February 11, 1982, the very day the Capitol Police closed their investigation, a reporter from the Washington Post called the Committee on Standards of Official Conduct and asked if the Committee was investigating improper activity involving House pages. At the same time, a reporter from Independent News Network made a number of calls and sought to interview pages. No stories appeared in the press during February, 1982, but rumors envisioning a scandal far beyond the facts continued to circulate in the Capitol.

(e) Intervening developments.—No further significant developments involving pages occurred during the months of March, April and May.

Two important events did occur, however, although their significance was not appreciated until later. On March 18, 1982, the Arlington Police Department raided a male modeling agency that the police alleged was a front for a homosexual prostitution outcall business. The D.C. and Arlington Police confiscated extensive business records which included the names, addresses, and telephone numbers of hundreds of customers. These records also included detailed accounts of the dates, times, and names of both customer and prostitute for nearly every liaison. At the time of the raid, no one recognized that Friendly Models was the organization whose directory was found in Leroy Williams' room by his landlady in February, 1982.

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[8] One of the terminated pages reacted angrily to his termination. This page told other pages that he was going to contact the Washington Post and expose the widespread favoritism on Capitol Hill. This page testified that he never followed through on this threat. But many pages reported as fact to Committee investigators that this page had gone to the House Press Gallery and denounced his sponsor.

One month later, on April 19, 1982, in a wholly unrelated investigation, the D.C. Metropolitan Police arrested three individuals for allegedly selling cocaine to an undercover police officer. One of the individuals arrested was a former page, and another was a former congressional staff member. The arrests do not appear to have made news at the time they occurred. But in mid-June both the Washington Post and the local Washington television affiliate of CBS, WDM, ran stories reporting that one of the arrested individuals had begun cooperating with the authorities. They charged that a network of Congressional aides such as tour guides, pages, and staff of the House Doorkeeper was distributing drugs on Capitol Hill.

(f) CBS news reporter.—Sometime in late May or early June, a CBS television reporter began contacting pages in the House seeking information about improper activities on the part of Members of Congress.[9] On June 9, 1982, Jeffrey Opp, then a sixteen-year-old House page, received a telephone call at his apartment in Washington, D.C. The caller did not identify himself, but, according to Opp, said he had an invitation for Opp and needed Opp's address. Opp provided his address to the caller. Opp testified that within five minutes a visitor knocked on his door and introduced himself as a CBS news reporter.

According to Opp, the reporter said he had been investigating homosexual activities of Members of Congress for some time. Opp testified under oath that the reporter asked him about a ring of 25 to 50 homosexual Congressmen and about an employee of the Doorkeeper's office who allegedly procured pages for them. Opp testified that the reporter claimed to have talked to homosexual prostitutes who told him that some Members of Congress frequented the "red light" district in Washington. Opp told the FBI and testified in his deposition that the reporter named Congressmen in his discussion of these allegations. According to Opp, the allegations discussed by the reporter were that one Congressman liked eight-year-olds, a second Congressman frequented the homosexual areas of Fourteenth Street, a third was "after little kids," a fourth was involved in homosexual activities, and a fifth was "an avid coke fiend."

According to Opp, the reporter said that he had heard that Opp knew a lot and was not an "air head." By Opp's account, he felt flattered by the reporter's attention and therefore spent some time talking to him.

Immediately after this conversation with the reporter, Opp had conversations with at least two other pages. He talked about homosexual approaches he said he had personally experienced and he also began repeating some of the stories that the reporter had told him.

On June 10, 1982, the day after Opp's discussion with the reporter, Opp went to see two staff aides in the office of Opp's sponsor, Representative Schroeder. He told them about a homosexual prostitution ring and drug use involving pages, Members of Congress and others. They asked him how he knew this, and he said he had been working undercover for the prior two weeks contacting young homosexual prostitutes on a section of New York Avenue (part of the Washington "red light" district) to assist a CBS news investigation. Opp claimed that an electronic "bug" had been placed in his room, that his new roommate was a "plant" placed to spy on him by the House Doorkeeper, and that people were watching his house. According to all three individuals involved, this conversation was tense; Opp was agitated and angry.

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[9] The reporter declined to be interviewed by representatives from the Special Counsel's office, so that this account draws on information provided by people to whom the reporter spoke. In addition to the formal exchange of correspondence between the Special Counsel and the CBS attorney, there were several conversations between the Associate Special Counsel and the CBS attorney to provide the reporter an opportunity to comment on sworn testimony about him and to obtain any information of improper activities he had.

The two staff members were concerned about Opp's charges, and angry at the idea that a news organization would use a 16-year-old House page to assist in investigating a homosexual ring in the New York avenue area. They contacted officials at the Department of Justice, and telephoned the CBS reporter to complain. The reporter said he could not talk on the phone, and arranged to meet them on the Mall in front of the East wing of the National Gallery of Art. The reporter arrived with another CBS employee. The Schroeder aides recall that his manner was very secretive. He said he had learned of a widespread homosexual ring among high-ranking government officials. He said he had been investigating this ring for some time, and it was a major scandal. In a sworn statement, one of the Schroeder aides recalls that at this point in the conversation, the reporter

> Even drew a scheme on a piece of paper which had the Capitol at the center and included lines to the Pentagon, the Department of Justice, State, and GAO. He emphatically asserted that he had solid information that there was a widespread, organized homosexual ring among executive branch employees, including the agencies he drew, [M]embers of [C]ongress, lobbyists, and Capitol employees, and that favors were being traded for sex, including page promotions and extensions.

The Schroder staff members told the reporter that Opp said he had been used undercover for two weeks on New York Avenue as part of CBS's investigation. The reporter denied that Opp had done any work for him, and said that in fact, he had only talked to Opp the day before, June 9. The reporter said that he had discussed the names of some Congressmen with Opp to get Opp's view of them. The reporter said that he included in the list of names discussed with Opp some "dead-fish" Congressmen whom the reporter did not believe to be involved in improper conduct, in order to test Opp's reliability. Opp had not claimed to have any knowledge about these people, which in the reporter's judgment enhanced the credibility of Opp's comments about others.

Following this meeting with the reporter, the Schroeder aides interviewed Opp again. This interview occurred on Friday, June 11, 1982. Opp admitted that he exaggerated in his first meeting. He admitted that he had made up the story about finding a "bug" as well as the part about interviewing male prostitutes to assist CBS News. He also admitted he had no evidence that his roommate was a spy, planted by the Doorkeeper's office. But he stuck to the rest of the story.

That same day, the aides made arrangements for Opp to meet with Department of Justice Officials on Monday, June 14, 1982. Also on June 11, however, the reporter called Opp, and Opp agreed to give an interview on camera, with lighting and effects to shield his identity. This interview took place at CBS studios in Washington on the next day, Saturday, June 12 although it was not aired until June 30.

On June 14, 1982, Opp and his father met with attorneys from the Public Integrity Section for two hours. The Justice Department then initiated its investigation.

The CBS reporter later asked one of the Schroeder staff members about the details of the meeting at Justice and requested a description of the agents who attended. That staffer recalls that on at least one occasion between June 10 and June 15, he told the reporter:

> If you are basing your story on Opp's word, you are skating on thin ice. He may know something but he is not reliable, and a good deal of what he told us about this, along with some other unrelated items, turned out not to be true. For example, Opp had told me on/about May 1982 he had been admitted to Georgetown University and it turned out he was only a junior in high school and was not admitted to any university.

But Schroeder's staffer said the reporter responded that his story would not be based simply on Opp's allegations, that he had several witnesses and that Opp corroborated what he already had from other sources.

During June, the reporter also contacted Leroy Williams in Arkansas. On Saturday, June 21, 1982, he appeared unannounced at Williams' home in Little Rock. According to Williams' sworn testimony, the reporter said that the Doorkeeper's office had told the press that three pages including him had created problems, these pages had been dismissed, and that action cleared up the problem. The reporter also said to Williams that Opp had told the Justice Department that Williams was involved in homosexual activity as well as in drug trafficking. The reporter said that he believed the Doorkeeper's office was not being fair to Williams, and that he wanted to give Williams an opportunity to present his side.

Williams testified that he was upset to hear that the Doorkeeper's office was blaming him for problems of the page system, and that Opp had charged him with trafficking in narcotics. He saw the television reporter as an opportunity to respond to these charges. The reporter assured Williams that he would not reveal his identity, even in discussing with other witnesses information provided by Williams. The reporter promised Williams that he would not reveal the names of any people with whom Williams was sexually involved.

After having been given these assurances of confidentiality, Williams met with the reporter on Sunday, June 22, for about an hour. During that time the reporter interviewed him and tape-recorded the interview. On the following day, Monday, June 23, Williams, his face backlighted and hidden in deep shadows, gave the reporter an on-camera interview and alleged that he had had homosexual relations with three Congressmen and with Congressional staff.

On June 30 and July 1, CBS broadcast its interviews with Opp and Williams, and the Congress and the nation were introduced to the "page scandal." Thirteen days later, the House adopted to H. Res. 518, initiating this investigation.

(3) Summary

It is the conclusion of the Special Counsel that the rumors that sparked the initial press interest and press investigation of a "page scandal" on Capitol Hill had their origins in the events surrounding the departure of three pages from the page program in late January and early February of 1982.

These events included a brief investigation by Sgt. John Grossi of the Capitol Police Department. The issues raised by this investigation were unquestionably serious. They involved excessive drinking by young pages whose welfare was in large measure the responsibility of the House of Representatives. In addition, there were allegations that pages were involved in the use of drugs and in trips to Fourteenth Street to find prostitutes. Finally, the evidence assembled by Grossi indicated that Leroy Williams had been seriously in debt when he left Washington, and that Williams had left homosexual literature in his room when he left Washington. But nothing in the original investigation or in the facts that the Special Counsel has found concerning events in February even hinted at sexual misconduct involving Members or employees of the House.

Nonetheless, the evidence is clear that rumors about a "page scandal" began circulating in the wake of the investigation. These rumors included stories about sexual relationships between Members and pages as well as stories of pages "pimping" for Members. But the evidence also indicates that these rumors were grossly distorted interpretations of the page dismissals and the Capitol Police investigation.

Finally, the allegations made by the two former pages to the press in June, 1982 appear to have been stimulated more by their own resentment, egos and immaturity, and by contact with one reporter, than by any events involving actions by Members of Congress. It is to the allegations made by Leroy Williams and Jeffrey Opp that we now turn.

B. Leroy Williams

In his CBS interview, Williams asserted that he had had sexual relations with three different Congressmen, three times with one of them, and that he procured homosexual prostitutes for Congressional staffers. Two month's later, Williams changed his story when he was interviewed by Committee investigators. Williams then testified under oath in a deposition taken by the Committee Chairman and Special Counsel that his prior assertions were false.

Since Williams had told two stories that were totally contradictory, the Special Counsel concluded that it was necessary to investigate his charges independently in order to assess whether his original story or his recantation was in fact true. In what follows, this report describes Williams' personal background, analyzes his experience in Washington in order to discern his motives for making the false charges that he did, and presents the basis for the Special Counsel's conclusion that Williams' original charges were false and that the testimony he gave under oath when he recanted those charges was accurate.

(1) Personal background

(a) Introduction.—Leroy Williams was born on June 14, 1964 in Little Rock, Arkansas, and is the fifth of six children. His father worked as a laborer until several years ago when a medical disability forced his retirement. His mother is a domestic worker. Williams testified that his two older brothers are in prison, one for murder, one for robbery. His father and mother have periodically separated.

Prior to coming to Washington, Williams attended high school in Little Rock, where he was a "B" student and was involved in extracurricular activities such as the school choir and the drama club. He was also active in the Sixth and Izard Church of Christ. Williams testified that before he came to Washington he drank alcohol infrequently, "maybe once a month." He occasionally used drugs, such as marijuana, "on a limited social basis," at most once a month.

Unknown to his family and friends in Arkansas, Williams had felt a sexual attraction toward other males since the age of 12. At 14, he engaged in sexual relations with another male for the first time. During the three years from 1978 to 1981 that preceded his arrival in Washington, Williams had sexual relations with men approximately ten times. Williams guarded this secret closely.

Williams first came to Washington in February, 1981, as a participant in "Close-Up," a program that brings high school students to Washington for a week to learn about government. While in Washington, Williams became interested in working as a page and filed an application with his Congressman, Representative Ed Bethune. Williams' application included recommendations from his history teacher and from persons at his church. The House Committee on Republican Personnel notified Congressman Bethune of Williams' selection on May 19, 1981, and he assumed his duties as a page June 29, 1981.

At the end of July, Williams was selected by the Doorkeeper to be one of the two Republican Page Overseers, a supervisory position. Throughout the period Williams served as a page, his work was considered satisfactory, although his performance declined toward the end of his tenure.

It was after working hours that Williams began to have problems. Williams spent most of his time outside of work and school with a group of about five or six pages. He created a fictitious picture that he came from a wealthy family. He told other pages that his father was a heart surgeon, his mother an opera singer. He talked about his parents' ranch, their European travels, and the cotillion balls they held every Christmas. Williams also told the other pages about his girlfriend, Nancy, who he said was a nurse. None of the pages ever saw or met Nancy.

(b) Sexual activities.—When the Congress went into its 1981 midsummer recess, most of the other pages went home. But Leroy Williams remained in Washington alone. He told other pages that he

was not going home because his parents were travelling abroad. It was at this point that the 17 year-old Williams first engaged the services of a homosexual prostitute.

He contacted the "Friendly Models" agency and obtained the services of a male prostitute, for which he paid $50 by check. Williams used the services of the Friendly Models agency on fifteen different occasions between August, 1981, and January, 1982, ten of those times during the August Congressional recess.

In the months that followed, Williams cruised the gay bars and bookstores, and visited a gay bath house. He testified that between the end of August, 1981 and the end of January, 1982 he had homosexual relations on an average of three times a week, usually with a different person whom he had met in one of those establishments. Williams thought some were congressional employees because he said he later recognized them at work in the Capitol. He dealt with these men on a one-time, first-name basis. In addition to these occasional relationships, Williams testified he had sexual relations on a few occasions with a male who was a Government Printing Office employee, and then over a period of several weeks with a male hairdresser who worked in Georgetown. So far as the pages were concerned, Williams tried to hide his homosexuality.

But it was impossible to keep this secret completely hidden. In August, Williams moved to an apartment from the room he had rented when he first arrived. A page supervisor in the Doorkeeper's office, who had rented Williams his first room, discovered a brochure advertising the Friendly Models prostitution agency among personal effects Williams had left in his room. This page supervisor has testified under oath that he did nothing with this information:

> I figured essentially that Leroy no longer lived there and that his social life, whatever it may be, * * * [was] not of a particular interest to me * * * In any respect, I have not really discussed with any page their sexual activity and while I am concerned about it and don't like it at all, I am not really sure what my role would be in discussing it with them.

(c) Use of alcohol and drugs.—During the seven months that Williams was in Washington, he consumed more and more alcohol. He drank when he cruised homosexual bars, and he and the five or six pages in his group drank frequently. The group gathered two or three times a week at his or another page's apartment for heavy drinking sessions lasting well into the night. Sometimes these sessions would go on until it was time for the pages to go to school at six the next morning. Williams or other pages would occasionally drink until they passed out from a combination of alcohol and exhaustion. Williams testified that when he left Washington in late January, 1982, he "was literally an alcoholic."

Williams' use of drugs also increased sharply while he was a page. He frequently took, caffeine pills to stay awake during the long hours of school and work when the House was in session. Williams testified that he used marijuana on several occasions, and he used cocaine two or three times. But alcohol, not drugs, was his nemesis.

Williams' school record reflects his intensifying problems while he was a page. In early fall 1981, Williams' first advisory grades were close to a B average. By the late fall, they had fallen well below a C average.

(d) Financial problems.—Williams got into increasingly severe financial trouble in Washington. Pages are paid $700 per month. But that is not enough money to pay for rent, purchase food, and live the kind of lifestyle that Leroy Williams pursued. Williams' use of homosexual prostitutes, his heavy drinking, his expensive taste in clothing, and the gifts he reportedly gave to other pages at Christmas strained his finances severely.

Williams had no source of income other than his salary. He lived in the fashion he did by failing to pay a large number of bills, writing bad checks, and stealing money. When he eventually left Washington in January, 1982, Williams left behind many unpaid charge bills and bounced checks, including almost $900 in unpaid rent and telephone bills.

(e) Williams' departure.—By January, Williams was regularly bouncing checks. His landlady was becoming more and more impatient for her back rent. Williams testified that he was now more dependent on alcohol, more fearful that his homosexuality had been discovered, and felt more pressured on his job. On Friday, January 29, 1982, Williams told his supervisor he was going to resign. That evening he went out with other pages to a party, and spent the night in a homosexual bath house. The next morning, Saturday, January 30, Williams took an automobile belonging to a fellow page, drove to Tuscaloosa, Alabama. He visited the former youth minister of his church who was living there, and eventually returned home to Little Rock.

(f) Williams' decision to talk to the press.—After he arrived back home in Little Rock in Feburary, 1982, Williams began to realize that his departure had stimulated criticisms and speculation about him.

In early March, Williams was approached by a reporter for a local television station for an interview about his experiences as a page. The reporter asked Williams if he had ever been homosexually propositioned while in Washington. Williams responded, "Just by someone who worked on the Hill."

Then, later in March, the page whose car Williams had taken telephoned and asked if Williams had stolen the automobile which had been recovered in Tuscaloosa, Alabama. Williams denied taking the automobile. The page also told him there were rumors that Williams had been involved in drug trafficking.

According to Williams, he immediately telephoned his best friend among the pages in Washington. She called him back that same evening on a WATS line. She told him that the Doorkeeper's Office had linked him with two other pages who had been dismissed in February. Williams' friend said that supervisors in the Doorkeeper's office were saying that all three pages, including Williams, had been fired because they were "bad apples." She told Williams there was a press investigation about him, and the pages had been told not to talk to the press about Williams.

According to Williams, his anger and resentment came to a head in June, 1982, when he gave a CBS News reporter the interview that CBS broadcast on June 30.

(2) Williams' allegations

The F.B.I., various news organizations, and the Committee's staff interviewed Williams in June and July, 1982. He did not tell the same story each time. But, in the course of these interviews, he claimed that:

He was propositioned by, and had sexual relations with, three congressmen;

He arranged a sexual liaison between a Senator and a male prostitute;

He arranged sexual liaisons with male prostitutes for a Congressman's administrative assistant and for an employee of the Government Printing Office.

Williams also repeated to interviewers other allegations of sexual misconduct by Members and employees of the House which Williams said had been told to him by other pages. Specifically, he said he had been told that:

A female page had been sleeping with two different Congressmen;

Pages suspected a Doorkeeper's office employee of procuring female pages for sexual liaisons with a Member of Congress, arranging homosexual activities for Congressmen, and having homosexual relations with some male pages;

The Special Counsel has concluded that there is no evidence to support any of Williams' original charges. In reaching this conclusion, the Special Counsel has not relied solely on Williams' recantation. Rather, the Special Counsel's investigative staff has conducted a detailed investigation of each of Williams' allegations. Every bit of independent evidence collected supports the conclusion that Williams' original allegations were false and that he was telling the truth when he testified he had lied about those charges.

(a) General credibility.—Williams' credibility, even before he said he was lying about all of the allegations, was not high. While in Washington, Williams had lied about his family background. He had written numerous bad checks, failed to pay his rent, and lied to his supervisors about his financial problems. Finally, at the time he left the page program, he was suspected of having stolen both a wallet and a car from other pages.

Williams' Counsel allegations were inconsistent almost from the moment he started making them. In his press interview in March, Williams derided rumors of sexual relations between pages and House staff, saying it was "a very, very small problem." He said he did not know of pages involved with congressional staff members, although he was aware of an occasional "pass" at pages. He specifically denied that he was personally involved in "this homosexual thing," but he did say that once a person "who worked on the Hill" made a "pass" at him.

In June, Williams suddenly made his sensational charges on television that he had sexual relations with three Congressmen and procured prostitutes for congressional staff members. However, in Williams' first interview with the FBI on June 25, 1982, two or three days after he talked to CBS, Williams mentioned sexual relations with two Congressmen, and did not mention staff. Moreover, the details he provided concerning certain incidents differed. Williams told CBS he had sex with one Congressman on three occasions including one time at the Watergate. Williams told the FBI his most frequent encounters with one Congressman were on two occasions, and never mentioned a tryst at the Watergate.

Williams was reinterviewed by the FBI on July 7, 1982, and his story changed once again. He now spoke of sexual relations with three Congressmen, and gave the FBI a third name. But now, Williams added other names and allegations. For the first time, Williams said he had procured a male prostitute for a Senator, congressional staff member, and Government Printing Office employee.

In his first interview with investigators from this Committee on July 9 and 10, Williams also lied. Questioned about the thefts of a female page's purse, of another page's automobile, and of a checkbook and cash from a family friend in Washington, Williams made up an elaborate story about the stolen car and also had an innocent explanation for the stolen purse. On the second day of this interview, however, he admitted that he had taken the purse, had in fact stolen the car, and $120 in $20 bills and some checks from his friend's purse.

On July 8, 1982, Williams failed a lie detector test administered by the FBI.

(b) Retraction by Leroy Williams.—By late August, inverviews with many pages and other individuals had established there was no corroboration for Leroy Williams' allegations. Under the circumstances, the Special Counsel decided Williams should be reinterviewed and confronted with the evidence. Extensive preparations were undertaken to prepare for the interview. Investigators diagrammed the offices of each of the Members of the House of Representatives with whom Williams alleged he had sexual relations. They noted unusual design features to test if Williams could provide details, since he claimed he had sexual relations with each Member in that Member's office. They interviewed the Congressmen's staffs to obtain information about the Congressmen to be used in questioning Williams.

On August 26, 1982, investigators met with Williams in Little Rock, Arkansas. During this interview, Williams admitted for the first time that the allegations that he had had homosexual relations with Members of Congress were false. He also admitted that the allegations that he had arranged sexual liaisons between male prostitutes and a Senator, a Congressman's staff employee, and an employee of the Government Printing Office, were also false.

Following these admissions to the investigators, a deposition was scheduled for the morning of August 28, 1982 in Washington. On that day the Chairman and Special Counsel deposed Williams in executive session in the presence of his attorney.

Williams testified that he had left Washington and the page program in late January, 1982 as a result of the problems he had experienced from excessive drinking:

> Because of the pressure that had been put on me because of [my supervisor's] suspecting my homosexuality, the pressures of the job, the fact that I was literally an alcoholic because I had gotten to the point where I felt like every day at lunch I had to have a drink in order to go through the rest of the day. Those situations scared me a great deal and I decided that it would be better for me to be at home because I had too much of my life left to ruin it all at such an early age.

Williams testified that when he was interviewed by the CBS news reporter in June of 1982, he made up the story about having sexual relations with Members of Congress. He told the Committee under oath:

> It was my intention to create a story that would be credible and drastic enough that it would cause enough public interest in order to cause people to look at the page system and look at what was going on and basically that was my reason.

Williams testified under oath that he never had sexual relations with any Member of Congress. He specifically denied under oath that he had never had sexual relations with the Congressmen he had named, that he had had sexual relations with the Senator he had named or that he ever arranged a liaison between the Senator and a homosexual prostitute.

He testified that Committee investigators had not pressured him or attempted to pressure him into changing his story. Rather, he said he had decided to tell the truth:

> Mainly because the mental depression and the pressure of the fraud that I created was just overwhelming and I knew, or at least I felt like, there had been enough attention brought to the pages where there were going to have to be modifications. So at that time, I did not feel like there was any reason to continue in the fraud because I was ready to tell the truth because the pressure was just overwhelming. It had gotten to the point where I wanted to end my life. So I knew that time it had become drastic enough for me to disclose the truth.

(3) Investigative findings

(a) Allegations against Members of Congress.—At various times, Williams alleged that he had had sexual relations with three members of Congress and that he had procured a male prostitute for a Senator. In two instances, the evidence obtained, in the judgment of the Special Counsel, proves—independent of Williams' recantation—that Williams' allegations were not true. In the other two instances, Williams' vagueness about dates has limited the Special Counsel's ability to develop definitive proof. But all the evidence that has been obtained contradicts Williams' allegations.

(i) Allegations for Which Detailed Evidence Was Obtained

Congressman A [10]: Williams told two versions of his encounter with Congressman A. On July 7, Williams told the FBI the following story about Congressman A: In November, 1981, Congressman A approached him on the House floor and asked him to come to his office after the session. Williams discussed the situation with a fellow page who was a close friend. That evening he went to Congressman A's office, at about 6 p.m. where the Congressman expressed his desire to become better acquainted with Williams. This encounter lasted only 10 minutes and involved no sex. Over the next two weeks Congressman A once again approached him on the House Floor and asked him to come by his office. Williams said he went to Congressman A's office at approximately 6:00 p.m. that same day, where he was alone with the Congressman. Williams alleged that he and Congressman A engaged in homosexual relations for approximately one hour.

Two days later, Williams told Committee investigators a slightly different story. He said he had sexual relations with Congressman A in November, 1981 after the first approach by Congressman A on the House floor. He again said, however, that he joined Congressman A in the Congressman's office at 6 p.m. He said that the sexual relations were unsatisfactory to both of them and that Congressman A never approached him again.

Although the inconsistencies in the stories raise questions about Williams' credibility, both stories are consistent with respect to time—6 p.m.— and Williams' allegation that the liaison occurred on a work day sometime in November, 1981.

Investigators in the Special Counsel's Office have reconstructed Congressman A's time during the month of November 1981. That reconstruction indicates it was not possible for Williams to have been alone with the Congressman in his office between 6 and 7 p.m. in November, 1981 on a night when the House was in session. One staff member stayed in Congressman A's office every week night, except Tuesdays, during November, 1981, until at least 8:00 p.m., an hour after Williams claimed he was with the Congressman. The staff member served as secretary and receptionist between 6 and 8:00 p.m. and was aware if the Congressman was in his office and who was with him. She has stated under oath that the Congressman was never alone with a page in his office while she was there. If the meeting with Williams occurred during the week, it would have had to occur on one of the Tuesday nights during November when this staff member was not on duty.

The Special Counsel's office obtained and examined the Congressman's schedule and travel records for November 1981. These records show that Congressman A was not in Washington on three of the four Tuesdays in November. On the one Tuesday he was in Washington, the Congressman's records show that the Congressman was assigned the job of watching the floor for his party, and the Congressional Record shows that he was on the floor of the

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[10] Since the Special Counsel has concluded the allegations concerning these Congressmen are false, no names will be used in this report.

House until 7:39 p.m., more than one-half hour after Williams alleges their liaison terminated.

The House was in session on only one Saturday in November, 1981—Saturday, November 21. That evening, Congressman A went to dinner with another Congressman at a restaurant on Capitol Hill, between 6:00 p.m. and 7:30 p.m. The Special Counsel has obtained a copy of Congressman A's charge account receipt showing a charge at this restaurant on this date. The Special Counsel's staff has also interviewed the Congressman whom Congressman A said accompanied him to dinner that night. This Congressman confirms that he did in fact go to dinner with Congressman A immediately after the House session on November 21 at the restaurant named.

Congressman A requested that he be deposed, and he has sworn under oath that he never propositioned Williams, never had sexual relations with him, and in fact never even knew him.

Finally, the page whom Williams claimed he told about the approach from Congressman A denies that Williams ever mentioned the matter.

In sum, based on the evidence obtained by the Special Counsel's office, it appears virtually impossible for Williams to have had sexual relations with Congressman A in his office between 6:00 and 7:00 p.m. on any work day in November, 1981.

Senator B: In July, Williams also made allegations to the FBI and this Committee's investigators about Senator B. Senator B is outside the jurisdiction of this Committee. However, to test Williams' credibility, the Special Counsel did investigate the allegations Williams had made.

On its face, Williams' story about Senator B strains credulity.

Williams alleged that in the latter part of November, 1981, his work as a page overseer required him to make frequent trips to the Senate where he became acquainted with Senator B. Williams stated that during one conversation the Senator asked him if he knew someone named Roger. Williams said that Roger, whom he had met two or three times, was a male prostitute employed by an "outcall" prostitution agency, Friendly Models. Williams said he told the Senator he did know Roger and the Senator then requested Williams to contact Roger for him.

According to Williams' story, the Senator asked Williams to arrange a liaison between Roger and the Senator at Williams' apartment. Williams told the Senator that he could not use his own apartment, but he could use the apartment of a friend with whom Williams was staying at the Watergate South apartments. Williams said he agreed to make the necessary arrangements, and subsequently, contacted the Senator's office by telephone leaving a message with a secretary that the appointment was set for 11:00 p.m. that evening. The Senator arrived at the apartment shortly after 11:00, after William's friend had gone to bed. After the Senator arrived, Williams claimed he contacted Friendly Models and requested Roger be sent to the apartment.

According to Williams, Roger did come to the apartment. After drinks, Williams said that Roger and the Senator went into the master bedroom for approximately one hour. Afterwards, as the Senator was leaving, he asked Williams to call his office if there was any way he could be of assistance to Williams. Williams alleged that approximately one week later, he telephoned the Senator's office and told a secretary that he wanted to work as a Senate page. The secretary told him she had a memorandum from the Senator indicating she should help Williams in any way possible. In a later conversation with this secretary, Williams said he was told that his application had been sent to "the appropriate Committee." Before the Committee made its decision, however, Williams had decided to return home, and did not pursue the matter.

The independent evidence developed by the Committee shows virtually every statement in this story to be untrue.

"Roger" and Senator B: Unrelated to this Committee's investigation, the Arlington County Police had executed a search warrant and obtained the records of Friendly Models on March 18, 1982. The Arlington Police provided the Special Counsel's Office with the following information: The records of Friendly Models show Leroy Williams was a client of Friendly Models. Those records indicate a visit by "Roger" to Williams on November 15, 1981, at the street address of the Watergate Apartments. This was the only time that the records showed an employee of Friendly Models made a visit at Williams's request to the Watergate apartments during 1981. (Williams had previously been visited by "Roger" on one occasion in August at his room on Capitol Hill.)

The Special Counsel's staff interviewed and deposed "Roger." "Roger" testified he had a homosexual liaison with Leroy Williams—not a Senator—at the Watergate apartments on November 15, 1981. He denied having relations with Senator B and testified that Senator B was not present. "Roger" also took an FBI polygraph examination. It was the opinion of the examiner that "Roger" showed no deception when he denied the liaison with the Senator.

Senator B on November 15, 1981: The Special Counsel obtained and reviewed Senator B's records concerning his schedule, airline ticket receipts, and credit card receipts for the period Friday, November 13, 1981 through Monday November 16, 1981. These records indicate that Senator B was in his home state all day on November 15 and did not return to Washington until November 16.

Calls to the Senator's office: Williams alleged he made at least one call to Senator B's office the day of the liaison. He claimed he spoke with a secretary. But November 15, 1981, was a Sunday, and the Senator was out of town.

Weather: Williams alleged that on the night of the liaison there had been some snowfall. Official Weather Bureau records show that the first snowfall of 1981 did not occur until November 24, 1981, some nine days after the evening Roger visited the Watergate.

In conclusion, the Special Counsel has found that independent evidence totally contradicts Williams' allegations about Senator B and supports the conclusion that he lied in making this allegation.

(ii) Allegations Regarding Other Two Members of Congress

Williams also told the FBI and investigators for this Committee that he had sexual relations with Congressman C and with Congressman D.

Congressman C: In the case of Congressman C, Williams initially told inconsistent stories. In his interview with CBS News, Williams said he had had sexual relations with the Congressman on three occasions. When he talked to the FBI two or three days later, however, Williams told them that he had had sexual relations with Congressman C on only two occasions.

In addition, details of the story that Williams told the FBI about his encounters with Congressman C differed from those he provided to investigators from the Special Counsel's office.

Congressman C has denied ever propositioning or having sexual relations with Williams. He has said that he never met alone under any circumstances with Williams and does not know him. Congressman C took a polygraph examination, and the examiner's opinion was that the Congressman was telling the truth when he denied knowing Williams and denied having homosexual relations with him.

Investigators from the Special Counsel's Office have inspected the logs of the Congressman's Office and have interviewed his staff. His staff members have been shown photographs of Williams. No one recalls Williams visiting Congressman C's office on any occasion.

Congressman D: In the case of Congressman D, Williams also told inconsistent stories to the FBI and to the Special Counsel's investigators. Williams told the FBI that Congressman D had initially propositioned him at a reception given by a Congressional Committee, which Williams named. Williams told the FBI he had declined that night, but that the sexual liaison occurred the following day after he was again propositioned by the Congressman. However, Williams told this Committee's investigators that he did go to Congressman D's office right after the reception and had sexual relations at that time.

Congressman D was interviewed by the Special Counsel's staff about Williams' allegations. He denied that he ever propositioned Leroy Williams or had sexual relations with him. He denied even knowing Williams. Congressman D also denied attending the reception at which Williams claimed to have met him as the sponsoring Committee did not involve an area of primary interest or concern to him. An inspection of his office records did not indicate any occasion when Williams was in his office. His staff could not recall that Williams had ever been in his office. Committee investigators showed Congressman B's staff photographs of Williams. No one picked him out as someone they recalled seeing around the office.

In sum, all the available evidence supports the conclusion that Williams lied about Congressmen C and D.

(iii) Allegation of Procuring Prostitutes for a Congressman's A.A. and an Employee of the Government Printing Office

Williams alleged for the first time in his July 7, 1982 FBI interview that in August, 1981 he had procured male prostitutes from Friendly Models for a Congressman's administrative assistant (AA) and for an employee of the Government Printing Office (GPO). Williams said both of these liaisons took place on the same evening at his apartment. Williams stated that he obtained a prostitute named "Donnie" for the AA and a prostitute named "Bob" for the GPO employee.

Evidence obtained by the Special Counsel supports the conclusion that Williams lied in making these allegations. The records of Friendly Models do indicate that on August 11, 1981, male models "Bob" and "Donnie," the prostitutes with whom Williams claimed he arranged dates for the GPO employee and the AA, answered calls from Leroy Williams. Investigators from the Special Counsel's office have located and interviewed both "Bob" and "Donnie." Both men confirm going to Williams' apartment on the same night in August, but both said that Williams was their only client and he did not procure their services for someone else.

The Committee investigated and deposed the AA for whom Williams said he arranged a homosexual prostitution liaison in August. The AA testified that he did not have sexual relations with Leroy Williams or with a male prostitute on any occasion.

Committee staff unsuccessfully attempted to locate the former GPO employee. GPO records, including credit union records, the GPO employee locator and the federal government communications operator did not list a present or former GPO employee with the name of the person for whom Williams said he arranged the date with "Bob."

(b) Further allegations by Williams.—Williams also repeated some allegations of sexual misconduct he had heard second-hand from others. These allegations amounted to little more than gossip, and, under other circumstances, would hardly merit serious investigation. But, to assure that the investigation was complete, these allegations have also been investigated. The evidence developed has, without exception, shown nothing to support them.

Allegation: Williams testified that he had been told that a female page whom he named had sexual relationships with two Congressmen, although he had no first-hand information of either liaison.

Investigative findings: Investigators interviewed the page and both Congressmen allegedly involved, and attorneys on the Special Counsel's staff took the page's testimony under oath at a deposition. They all denied the relationship.

Investigators showed a photograph array containing the page's picture to the staff of both Congressmen, none of whom recognized the page as someone who frequented the offices.

The page's two roommates stated under oath at depositions that to the best of their knowledge she had not been dating or having an affair with a Congressman.

The two former pages who Williams said told him about one Congressman's relationship with the page were deposed. Both denied under oath knowing anything about any such relationship, and both denied telling Williams or anyone else about such a relationship.

Another former page, whom Williams said told him about the second liaison, was also deposed under oath. He denied ever making such a statement to Williams.

Allegation: Williams also testified that it was "rumored" that this female page was set up by a page supervisor with the second Congressman. Williams testified he heard this information from the page who told him about this liaison. Williams had no personal knowledge of such a liaison or whether the page supervisor had a role in setting up the liaison.

Investigative findings: Committee investigators identified those pages who worked most closely with the page supervisor, and interviewed and/or deposed each of them. None of the pages had any personal knowledge or had ever heard any rumor that the page supervisor had ever arranged or attempted to arrange dates between a female page and either of the Congressmen mentioned by Williams, or between any page and anyone else. The pages testified that they had no reason to believe that the page supervisor was arranging dates between pages and others or that any page was involved sexually with any Member of Congress.

The page who was supposed to have told this story to Williams denied under oath ever making such a statement.

The page supervisor named by Williams was also deposed under oath, and also denied having ever been involved in any such activity with a page or a Member of Congress.

Allegation: Williams also alleged under oath that a Member of Congress "propositioned" a female page. He testified that the Representative merely called the page desk in October, 1981, and asked to speak with the female page, who was unavailable. According to Williams, the Congressman later called the Cloakroom and asked her if she would drop by his office after adjournment; she reportedly declined, saying she was going home immediately after work because of school.

Investigative findings: The female page testified that she was never approached by the Congressman Williams mentioned, that she did not tell Leroy Williams, or any other page or anyone else that she had been approached, or that she was propositioned by that Congressman. She testified that some male pages "often" said to her that they were "sure" she had been propositioned by someone, but she insisted to them that this was not true.

The page's roommate testified under oath that she never heard anything about her roommate being propositioned by anyone.

C. Jeffrey Opp

Jeffrey B. Opp was the other page who appeared, with his identity concealed, on the June 30 CBS News broadcast. In that broadcast, he alluded to one "homosexual approach" that a Congressman had made to him. But in interviews with the FBI and this Committee, Opp made two different types of allegations:

1. allegations based on his personal experience, and
2. allegations based on infomration that he had heard from other people.

The Special Counsel has found nothing to support any of these allegations.

At his deposition before this Committee, Opp testified:

> That interview was a—it was a 16 year old kid satisfying his ego. That interview was my being—was me being, as I have said, holier-than-thou, * * * and being able to rationalize everything in my mind meant I had to be adamant, I had to be definite, I had to say this is the way it is and lay

> it on the line, and not take into consideration my bias, which I did not at that point.

Opp further testified that his conversation with the CBS reporter had left him:

> [P]anicked, scared, * * * holier-than-thou, wanting to prove something, and I used what [the reporter] said and I convinced myself of it even though at the time he was saying it I didn't believe it, I convinced myself that it was true and then that this Hill just needed to be cleaned up.

In retrospect, Opp testified that he did not feel that he had acted responsibly in making the charges that he had made. He concluded that he had exaggerated the significance of his personal experiences in his discussions with the CBS reporter, with the staff of his congressional sponsor, and with the Justice Department.

A careful evaluation of information provided by Opp has yielded not a single instance in which there is responsible evidence that improper actions occurred. All the evidence we have developed—including significant changes in Opp's own story when he was questioned under oath—indicates that there is no support for his allegations.

(1) Background

Jeffrey Opp was appointed as a page under the sponsorship of Congresswoman Patricia Schroeder and served as a page from January 4, 1982 until June 12, 1982.

Opp considered himself far to the left on the political spectrum and went out of his way to challenge authority and to make sure that people were aware of his extreme left-wing political views. For example, the Deputy Doorkeeper recalls a conversation in which he recommended to Opp that he open a checking account in order to deposit his salary and draw checks for his personal expenses; Opp responded that, for ideological reasons, he did not believe in using banks.

There was substantial tension between Opp and his supervisors in the Doorkeeper's office. The supervisory staff who had contact with Opp had a strong negative impression of him. One supervisor told Committee investigators that he did not like Opp personally and believed that most of the pages did not like him. That supervisor also felt that Opp had serious emotional problems.

For his part, Opp felt that his supervisors believed that he should not have been a page. Opp felt that his supervisors' attitude towards him was based on the fact "that I preached socialist ideals, * * * that I didn't look like a page, because I let my hair grow longer than I should have, I didn't tie my tie all the way while in session, I was not your model page."

Opp also resented his involvement in the investigation of pages conducted by Sgt. Grossi of the Capitol Police. Opp said he believed this investigation would lead to his termination as a page. When Sgt. Grossi's investigation concluded, the Doorkeeper visited Congresswoman Schroeder to complain about Opp's conduct. Following the Doorkeeper's visit, Congresswoman Schroeder's staff admonished Opp. Opp's reaction to the investigation is evident from the telephone call he made to one of Congresswoman Schroeder's staff threatening that if the pages' conduct was going to be criticized, the pages would take a few Members of Congress down with them.

The allegations that Opp has made must also be considered against the background of his reputation for exaggeration and for "blowing things out of proportion." Obviously, the evidence concerning Opp required that his statements be subjected to a critical and searching analysis.

(2) Opp's direct conversations with four individuals

In his interview at the Department of Justice and his interview by Committee investigators a few weeks later, Opp related four personal experiences that, he asserted, had overtones of homosexual solicitation.

(a) The four conversations.—

Congressman E: Opp testified that on May 25, 1982 the House was working very late into the evening, and he was on duty on the House floor. Opp was asked to help Congressman E make copies of some documents to be distributed to House Members. Congressman E and Opp were in the Speakers Lobby, a small area off to the side where a copying machine is located. Opp said that he stood approximately two feet away from Congressman E while the machine was copying. They stood silently for about 30 or 40 seconds, when Congressman E moved to within a foot of Opp. Opp recalled that the Congressman put his arm around Opp and pulled him "in an ingratiating move." Congressman E then allegedly asked, "You want to come to a party tonight? I could show you some fun." Opp said he told the Congressman, no, and moved away. After the machine finished making the copies, Opp handed the copies to the Congressman, and the Congressman left the area. The entire incident took only two minutes.

Opp has consistently maintained that he interpreted the actions of Congressman E as being "an overt sexual proposal." He testified, "I took it to mean that if I would have gone to that party, I would have had fun via having sex with him." Opp testified that he had no contact with Congressman E before this incident and had none after it occurred, except that the Congressman would look at him strangely when they encountered each other on the floor.

Congressman E has said that he does not recall ever meeting Opp. He did not recognize Opp's photograph when it was shown to him. Congressman E said that he rarely asked pages to run errands for him and did not know many of them. Congressman E said that he had only attempted to use the copying machine in the Speaker's Lobby on one occasion, several years before, and had found the machine broken. He had not attempted to use the machine again; he habitually used another machine which he regarded as better. He speculated either that Opp has confused him with another Member or was inventing the entire incident. Congressman E recalled a somewhat heated exchange he had had on the floor with Congresswoman Schroeder, Opp's sponsor, some weeks before the alleged incident. He thought it possible that Opp was retaliating against him out of a misguided sense of chivalry.

Congressman F: Opp's interpretation of a brief conversation with Congressman F has varied. According to Opp, on the night immediately after he had been approached by Congressman E, the House was also in session late. Opp testified that he was approached at his desk on the floor of the House by Congressman F who also asked him if he wanted to attend a party. According to Opp, the Congressman made a gesture with his hands to his nose. Opp told the FBI that he interpreted this gesture to mean there would be cocaine at the party. He told Congressman F he was not into that sort of thing, and the Congressman said nothing else about it. The conversation lasted less than a minute, and Opp had no contact with the Congressman either before or after this one conversation.

Opp told the FBI that he did not feel that the Congressman was making homosexual advances toward him. But three days before the FBI interview he told Congresswoman Schroeder's staff that he did interpret the gesture to be sexual. When he first met with Committee investigators in July; he also said he considered Congressman F's invitation to a party and his sniffing gesture to be a sexual approach. Opp explained that the reason he perceived sexual overtones in the incident was that offering drugs to a page "goes hand in hand with homosexual acts."

In his deposition in September, Opp reverted to the view that he did not believe there was anything sexual involved. Rather, he testified that he regarded the incident as relating strictly to cocaine use.

Congressman G: Opp's interpretation of a conversation he had with Congressman G changed over the summer. He told the FBI in June that the conversation involved a sexual advance. In September, he testified that he was not so sure. The incident occurred while the House was in session, late one night in early May. The conversation with Congressman G occurred at approximately 11:00 to 11:15 p.m. in the Republican Cloakroom. Two employees who worked in the snack bar were within two or three feet of Opp and Congressman G when they were talking and there were other Congressmen milling around. He and Congressman G were standing at the snack bar, and the Congressman asked "Where do you go after this?" Opp said he responded, "Home to bed." The Congressman then asked, "Don't you ever go out?" When Opp said yes, the Congressman asked where he went. Opp replied, "Penn. Ave."—meaning the nearby bars and restaurants on Pennsylvania Avenue. As Opp tells the story, the Congressman then said that he also went there and that "[i]t is strange we have not seen each other." Opp said the Congressman than said, "We should see each other sometime."

The conversation lasted less than a minute. Opp said that he had had no further contact with Congressman G prior to that incident, other than taking messages to him on the floor, and that he had had no contact with him since that incident.

Opp told the FBI that he considered the incident to have sexual overtones. But at the time of the deposition Opp testified that he was "not sure * * * I am not positive. It strikes me as being odd; it strikes me as being strange, and certainly it could be, it could have been, but I am not positive."

When asked the basis of his concern that there had been sexual overtones to the conversation, Opp said that Congressman G is "an aloof man" who "does not come on nicely to people." He also said that he had had some concern because of the reaction of the two women who worked behind the snack counter. At his deposition, Opp testified that one of these women told him upon his return a short time later, "Got to watch out." In previous interviews, he had described the women as "eyeing" him "warily" or clicking their tongues.

When the Special Counsel's staff interviewed Congressman G, he was incredulous. He did not know anything about Opp except what he had heard in the media. He said that he had never met Opp and did not now what he looked like. After being shown a photograph of Opp, he still said he did not recognize him. When asked specifically about a conversation that might have occurred late at night at the snack bar, Congressman G said that it was certainly possible that if the House was in session late at night he would get a sandwich from the snack bar and that if he did that, he would probably make conversation with someone standing nearby, including a page.

But he said that the notion that someone would sexually proposition a page in the snack bar was preposterous. The snack bar counter is only about seven feet long and there are two women who work behind it who would overhear any conversation. Furthermore, there are many other persons moving about in a relatively confined space who would also overhear. The Special Counsel's staff has visited this area and has found Congressmen G's description accurate.

Lobbyist: Opp told the FBI in June that a woman lobbyist had been providing male pages for homosexual relations with Members of Congress. He did not know her name. He described her to the FBI only as a "very large woman."

Opp explained to Committee investigators in July that this charge was based in part on an encounter he had with her. Opp did not know the woman's name, but described her as blond, obese, and having a prominent nose. He said he met this woman at a doorway to the House Floor and she remarked, "These guys could use some help from time to time. Do you think you could help?" Opp declined and went on his way. Based on this exchange, Opp had concluded she was seeking to arrange sexual liaisons. By September, Opp changed his mind about this conversation. He testified at his deposition that he had "probably misread that incident."

(3) Investigative findings.

It is difficult not to dismiss Opp's original stories, particularly about the lobbyist, as ludicrous on their face. Had it not been for the serious public concern about the "page scandal," Opp's charges would not have even warranted investigation. Nonetheless, to the extent possible, the Special Counsel attempted to investigate these charges. The Special Counsel looked for methods of investigating Opp's charges in ways other than by simply questioning the participants, who, assuming any wrongdoing, would be likely to deny it. This proved to be a difficult task. In each instance, the only thing which was alleged to have occurred was a brief conversation between Opp and another person. The two snack bar attendants Opp thought had overheard the conversation between Opp and Congressman G were interviewed by Committee investigators, but neither remembered the incident.

In an effort to seek some independent evidence, the Special Counsel deposed three former pages, all friends of Opp, whom Opp claimed he had told about his various experiences. if these witnesses could establish that Opp had at least related consistent versions of these events to them, more or less contemporaneously with those events, that consistency would have some limited corroborative effect. While all three former pages recalled Opp's informing them of at least one encounter with a Member of Congress, none of their recollections of these incidents were consistent with each other, and all were different from Opp's version of events.

Finally, two of the three page friends testified that they did not believe aspects of Opp's story at the time he first told it to them last Spring. One testified that Opp was undergoing some difficult personal problems at the time. The second testified that aspects of Opp's story were "ridiculous" and that he was very concerned that innocent people named by Opp would be damaged if Opp's allegations appeared in the press.

It is the Special Counsel's view that Opp's interpretation of these incidents has more to do with his own idiosyncratic reaction to situations rather than misconduct on anyone's part. All his allegations of personal experiences were nothing more than brief conversations. There was no sexual contact, no sexual harrassment, no overt misconduct. The fact that Opp himself has retreated from his conclusion that two of the four incidents had sexual overtones and has expressed doubts about the third, further suggets that the "advances" were more imagined than real. The total absence of any corroborating evidence and Opp's general reputation only reinforce this conclusion. Under scrutiny, Opp's allegations of sexual misconduct arising out of these personal encounters simply collapse.

(4) Information From Others

In his initial interview with the FBI, Opp passed on a number of stories of misconduct that he said were told to him by the CBS news reporter. These included a number of named Congressmen allegedly involved in homosexual ring of 25 to 50 Congressmen for whom pages were procured for sex by an employee of the Doorkeeper's Office. Opp said his knowledge about these allegations was limited to what he said he has been told. The CBS reporter declined to discuss with the Special Counsel what he had said to Opp, much less the basis for any allegations that had been discussed.

Without the reporter's cooperation, only one of these allegations had sufficient detail to warrant investigation: that a sex ring was operating out of the Doorkeeper's Office. Investigators in the Special Counsel's Office interviewed every employee of the Doorkeeper's Office about this allegation and deposed four of the key employees. Every page or former page who was deposed was asked about these allegations. Absolutely no support was found for the charges. Indeed, it is almost impossible to imagine a sex ring of the magnitude alleged flourishing in secrecy in the fishbowl of Capitol Hill.

Opp did make three other allegations about sexual misconduct of Members of Congress which the Special Counsel did investigate.

These all concerned incidents of which Opp had no first-hand knowledge. No evidence has been found to support a single allegation.

Congressman H: Opp told the FBI he believed Congressman H was having sexual relations with a male page. Opp based this conclusion on four specific observations. First, Opp claimed that on three separate occasions, the page said that he was going to drive Congressman H to the airport so that the Congressman could fly to his home state. But Opp said that on each occasion, Opp saw Congresman H on the House floor or in one of the office buildings the next day. Second, Opp once overheard a House employee who worked on the Floor of the House say to the page, "You got to get to know these people a lot better to stay here." The employee also told the page, "Go on about your business and I will tell you when it is time." Third, Opp testified that on one occasion he had asked the page "what the hell he was doing" after one of these conversations and the page said that he "needed to stay here." Fourth, the page had obtained appointments from several different Members of Congress.

Solely on the basis of these observations, Opp concluded that the page was having sex with Members of Congress and specifically with Congressman H in order to keep his job.

Opp's view of these incidents had changed radically by the time of his deposition in September. He said that at the time he talked with the Justice Department officials about this allegation.

> [E]verything had the taste of, you know, perversion acts and that type of thing, and at this point I just, after rehashing with myself, using a bit of hindsight, and thinking that—back then I was doubting; I was doubting myself; I was doubting people I was in contact with; I was doubting all the congressmen who I had idolized at some point and so it was very easy to assume that.
>
> But after rehashing and hindsight, I was thinking the situation probably was that he was looking for an appointmentship.

In the Special Counsel's judgment, the basis advanced by Opp for his original allegation is so flimsy and farfetched that it is not credible on its face. Nonetheless, the page in question has been deposed. The page testified that he never told Opp that he was driving Congressman H to the airport unless he actually drove the Congressman to the airport. The page testified that he drove the Congressman on one occasion. The page further testified that he was not solicited by nor did he engage in homosexual relations with the named Congressman, with any other employee or staff member of the House of Representatives, or with any Member of Congress.

In addition, the House employee named by Opp was interviewed and provided a sworn affidavit. The House employee denied being involved in any homosexual activity and said that he cautioned the page to get to know the Members' faces so he could get a job in the Cloakroom.

Congressman H has said that he sponsored this page after the page's prior appointment by another Member had expired. The page contacted someone on Congressman H's staff who investigated the page's credentials and recommended that Congressman H sponsor him; Congressman H did not interview or meet the page prior to sponsoring him.

Congressman H used his pages as drivers on occasion. On one occasion he had an early morning flight to his home state from Baltimore-Washington airport. Rather than leave his car at the airport, he drove to the page's house, picked up the page, drove to the airport, and left the car with the page to drive back to Washington. This incident may have triggered Opp's speculation about the pages driving him to the airport.

Congressman H noted that he never used any of his female pages to drive him anywhere in the evening because he was concerned that someone who spotted him getting into a car driven by a young woman would speculate about their relationship. He adhered to this position despite his wife's protest that he was discriminating against his female pages. (The pages liked to drive the Congressman because it gave them the opportunity to talk to him and get to know him.) The Congressman found it ironic that he should be accused of having a sexual relationship with a male page because the page had driven him.

There is simply no evidence whatsoever to support Opp's initial allegation. Indeed, as Opp himself came to recognize, the "evidence" Opp cited in support of the initial allegation does not support it at all.

Congressman I: Opp told the FBI that an employee of the House of Representatives gave a party in April, 1982, at which Congressman I "came on physically" to a certain page. Opp said that the advances made by Congressman I were "groping stuff." Opp did not attend the party himself, but claimed to have had a conversation with a page who did. Opp named three other pages who were present at the party.

Based on Opp's allegations, the Special Counsel interviewed and deposed the page involved, and a number of other pages. The page who was reportedly the victim of the uninvited physical advances testified he had never been at the home of a House employee where Congressman I was present—totally contradicting what Opp had reported. The page further testified that he did in fact attend a party at Congressman I's house in April or May, 1982. There were approximately 12 other people in attendance, including the Congressman, his wife and children, one ~~or~~ two page supervisors and at least one of their wives, and several Cloakroom pages. The page testified that the Congressman made no advances to him. The page further testified he did not tell anyone that the Congressman had made any physical advances to him.

Another page who attended the party testified that the party occurred around May 25, 1982. In addition, this page testified he saw no advances by the Congressman or physical contact between the Congressman and any page. Nor was he told about any such advances or physical contact.

Interviews with and depositions of more than half a dozen other pages and individuals who were present at the party, including page supervisors, corroborate this testimony that there was no such sexual advance at Congressman I's party by the Congressman.

These individuals also said they knew of no party at the home of the House employee attended by the Congressman. Congressman I in an interview also denied the story. A photo array containing the photograph of the page was shown to I's staff. No one recognized the page.

It is wildly improbable that the Congressman would have made the type of advance described by Opp in the presence of his wife and children, whom, all of the witnesses agree, attended the party. No evidence supports Opp's allegation; to the contrary, all available evidence leads to the conclusion that the allegation is false.

Congressman J: Opp testified that he had heard that Congressman J was sleeping with a female page. Opp said that the page's roommate, and Opp's own roommate had both told him about this relationship. According to Opp, the page's roommate had told Opp at a party that the Congressman was paying the page's rent. Opp said he was told that the page would purchase a money order, using funds supplied by Congressman J to pay her share of the rent. Opp's roommate repeated essentially the same information about this page and the Congressman approximately one month later—telling Opp this information also came from the page's roommate.

The Special Counsel's staff interviewed and deposed the page and her two roommates, one of whom had allegedly told Opp about the affair. Each of them denied any knowledge of such an affair.

The Special Counsel also took the following steps:

> The Committee subpoenaed bank account records of the page and her roommate who collected the rent checks and sent them to the landlord. Those records reflect no evidence of a monthly payment from Congressman J. The records are consistent with the page's testimony that she paid her share of the rent by check on a monthly basis.
>
> The Congressman's secretary who handled his personal finances was interviewed and deposed. She testified there were no records consistent with a pattern of regular monthly payments in the amount of the page's rent, and that the records reflected no payments to any pages.
>
> An investigator examined the House Finance Committee's periodic reports on Congressman J's office expenditures. There were no payments from his office account to pages or for money orders. Nor were there any payments consistent with a pattern of monthly payments of the page's rent.
>
> An investigator also examined the cancelled checks from the Congressman's personal account for the pertinent period. These checks reflected no payments to the page, no purchase of any money orders, and no pattern of payments consistent with the monthly payment of the page's rent.
>
> The Committee investigators also showed to Congressman J's staff a group of unmarked photographs of female pages including the page supposedly involved in the affair. No one on the staff remembered the page as someone they had seen in Congressman J's presence.
>
> Congressman J responded to detailed questions from Committee investigators and denied the affair.

In sum, no evidence could be found to suggest that Congressman J paid the page's rent or was involved in any sexual relationship with the page. The page's roommate testified that it was possible that this rumor resulted from a joke she had made about the fact that the page regarded the Congressman as attractive.

D. Other Allegations

During the course of the investigation pursuant to H. Res. 518, the Special Counsel has received a number of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. The Special Counsel has concluded his investigation of the allegations set out below. They fall into two categories. The first set of allegations proved unfounded. The second set of allegations proved to have insuffficient grounds to warrant further investigation either because of the staleness of the incidents or because the allegations concerned individuals no longer associated with the House of Representatives.

Allegation: The Special Counsel received an anonymous letter charging that a Congressman had raped a participant in a university's internship program who had been placed in Washington, D.C. The anonymous author claimed that the director of the program was aware of the incident.

Investigation: The Special Counsel's staff interviewed the program director, two other university staff members, and an intern who had allegedly been placed in Washington, D.C. The director denied any knowledge of such an incident. The director advised the Special Counsel's investigators that he had previously been questioned about this charge by three local newpaper reporters who had each received a copy of the same anonymous letter just prior to the 1982 congressional election. The other interviews established that there were no interns from this program in Washington, D.C., during the term of office of the accused Congressman.

Conclusion: The Special Counsel has found no evidence to support the allegation as described in the anonymous letter and has terminated the investigation of this matter. The timing of the allegation suggests that the anonymous source hoped to embarrass the Congressman immediately before the election.

Allegation: The Special Counsel's staff was told by two sources that a former female page had dated a House employee. Neither source could identify the employee, although one source said that the employee was a "page supervisor." Also, an anonymous caller named a particular page supervisor as being "involved with female pages."

Investigation: The Special Counsel's staff interviewed and deposed the female page. The page denied dating any Member, officer, or employee of the House, and was unable to recall anything she might have said that would have suggested that she had dated a page supervisor. However, she acknowledged that she often made joking remarks that others took to be serious. Her roommate testified that she was prone to exaggerate her social relationships. Other pages cited this female page as the source of other unfounded rumors. In numerous interviews and depositions of other pages, the Special Counsel inquired about whether the named supervisor was involved with female pages. No page knew anything about it.

Many pages knew this supervisor and testified that the allegation was wholly inconsistent with their experience and perception of the individual in question. The individual was deposed and denied the allegation under oath.

Conclusion: The Special Counsel has found no evidence to support further investigation.

Allegation: A former page told the FBI and the Special Counsel's staff that a Congressman had asked a female page to go out with him. The female page asked two male pages to accompany her and the Congressman to Georgetown. At the conclusion of the evening the Congresman drove the pages home and remained in the car with the female page after the two male pages had gone inside.

Investigation: The Special Counsel's staff deposed the page who made the allegation as well as the female page allegedly involved. The third page named in connection with the incident was interviewed. The female page testified that the Congressman had never asked her to go out alone with him. On the evening in question, he had offered to give her and her friends a ride to Georgetown. She testified that the Congressman drove them to Georgetown, accompanied them to a club and drove them home. She testified that he never made a sexual advance to her. The statements of the second male page were consistent with those of the female page. Both the female page and the second male page stated that the page who made the allegation had consumed so much beer while at the club that his memory of the evening was unlikely to be reliable.

Conclusion: The Special Counsel has found no evidence to conclude that the Congresman made a sexual approach to the female page.

Allegation: A former page told the FBI of a conversation he had had with a Congressman in which the Congressman apparently propositioned him.

Investigaton: The Special Counsel's staff deposed the page who gave a different, wholly innocent, account of a conversation with the same Congressman. Other statements of the page who reported the allegation suggested that his initial interpretation of events was questionable and that he frequently tended to assert conclusions that, in the judgment of the Special Counsel, had no rational basis. The Congressman was interviewed and does not recall having met or conversed with the page, although he acnowledged it was his habit to "make small talk" in the Cloakroom where this incident was alleged to have occurred.

Conclusion: The Special Counsel has found no evidence to support the allegation.

Allegation: In response to the Special Counsel's letter to former pages, a former female page wrote that, in the corridor of a House Office building, a male whom she believed to be a Congressman had put his arm around her waist and invited her into an office. She wrote that she "turned down the offer."

Investigation: The Special Counsel's investigators interviewed this page twice. The page described the incident as a "joke," and recalled that she had laughed at the time. She reviewed photographs of all Congressmen who fit the physical description she gave and was unable to recognize any as the man who had approached her.

Conclusion: The Special Counsel has found no evidence to suggest that any misconduct occurred.

Allegation: A former page alleged that statements and conduct of certain female pages led him to believe that Capitol Police had been sexually involved with three female pages, two of whom had been Senate pages.

Investigation: The Special Counsel's staff reinterviewed and deposed the page who made the allegation, and forwarded his statements about the former Senate pages to the Senate. The former female House page denied that she had had any sexual involvement with Capitol Police. Testimony of the page who made the allegation had been contradicted on a variety of matters by other evidence which has raised serious questions about his credibility. In addition, a former aide of his sponsor has questioned his credibility.

Conclusion: The Special Counsel has found no evidence to support further investigation.

In several instances, the Special Counsel received allegations of improper or illegal sexual conduct that occurred many years ago, or by individuals who had once been but were no longer Members, officers, or employees. Further investigation of these allegations will not be pursued.

Respectfully submitted,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

Dated: December 14, 1982.

APPENDIX A.—FEBRUARY 1982 PAGE INVESTIGATION BY U.S. CAPITOL POLICE

The United States Capitol Police (U.S.C.P.) conducted a brief investigation into allegations of misconduct involving pages in early February, 1982. This investigation was triggered by the discovery in Leroy Williams' apartment of another page's missing wallet and by informatin from Williams' landlady about drunken parties.

The Committee received allegations that the U.S.C.P. investigation had been prematurely terminated. These allegations implied that the U.S.C.P. had information relevant to the Committee's investigation pursuant to House Resolution 518. This Committee and the Special Counsel agreed that the Special Counsel should investigate the conduct of the U.S.C.P. investigation.

The Special Counsel has reviewed the written records of the U.S.C.P. investigation, and has interviewed or deposed (a) the Capitol Police detective who carried out the investigation and his superiors; (b) individuals in the offices of the Doorkeeper and the Sergeant-at-Arms; (c) Members of the House and their staffs who received information about the U.S.C.P. investigation, and (d) pages who were interviewed by the U.S.C.P.

The Special Counsel's inquiry has been directed at the following questions:

1. What was the scope of the police investigation, and what information did it obtain?
2. Was the investigation prematurely terminated?
3. What action was taken as a result of the investigation?
4. Did the police inquiry itself unintentionally contribute to rumors which later led to public allegations of sexual misconduct involving Members of Congress and pages?

FACTS

A. Initiation of the investigation

The last day on which Leroy Williams worked as a page was Friday, January 29, 1982. That weekend he moved out of his apartment at 24 Third Street, N.E., and left Washington, D.C.

Following Williams' departure, his landlady found certain items in the apartment he had occupied. These included literature and other items strongly suggesting homosexual interests. In addition, she found a wallet belonging to a female page.

Williams' landlady contacted the House Doorkeeper's office and was referred to Sergeant John D. Grossi of the Capitol Police. Grossi had earlier been assigned to investigate the disappearance of the wallet found in Williams' apartment. On February 2, 1982, Williams' landlady met with Grossi to give him the wallet. During this meeting, she told him that she had also found some pornographic literature in Williams' room, including what appeared to be a directory of male prostitutes. She also reported to Grossi that Williams' neighbors had complained to her about loud, late-night parties attended by pages at Williams' apartment. She and Grossi discussed the possible use of drugs and alcohol at these parties.

After his conversation with Williams' landlady, Grossi met with his superiors, Deputy Chief Gilbert Abernathy and Chief James M. Powell of the U.S.C.P., and related what he had learned. Chief Powell then telephoned House Sergeant at Arms Benjamin R. Guthrie, who is the representative of the House of Representatives on the Capitol Police Board. Arrangements were made for Grossi to brief Guthrie on the information he had received relating to pages.

Grossi met with Guthrie in Guthrie's office in the Capitol on February 2 or 3, 1982. After that meeting, Grossi and Guthrie met with House Doorkeeper James T. Molloy, whose staff supervises the work of House pages. In both meetings, Grossi discussed the information which he had received from Williams' landlady regarding page conduct. He told Guthrie and Molloy about the missing wallet and the homosexul materials found in Williams' room. He also told them about the allegations of page participation in loud, late-night parties at which drugs and alcohol may have been consumed. He was instructed to investigate the allegations, and to report back to Guthrie.

B. Grossi's interviews of pages

Over the period of a week, from February 4 through February 10, 1982, Grossi questioned eight pages. He reported back to Guthrie twice—once in the middle of this period and once at the end.

On Thursday, February 4, Grossi interviewed three pages about their personal activities and those of other pages. According to his interview reports, these pages told him about all-night "drinking parties" in Williams' apartment, attended by other pages; the use of drugs by Williams; and consumption of alcohol by pages at parties and at various commercial establishments. One or more of the three also told Grossi that Williams and a second page had taken pages to Fourteenth Steet (an area of Washington frequented by prostitutes, which has a high concentration of pornographic bookstores and nightclubs). At least on the trips organized by the second page, the pages were alleged to have used the services of prostitutes. Grossi's report names eight pages as being "involved, directly or indirectly" in the various activies described by the three pages.

On Friday, February 5, Grossi personally delivered the written report of his interviews with these three pages to Guthrie and discussed with Guthrie the information obtained in these interviews. Guthrie immediately arranged a second meeting with Molloy to provide him with the information in Gosssi's reports.

By Monday, February 8, Grossi received information suggesting that Williams might have been responsible for the theft of a page's car, which had disappeared on January 6, 1982. On that day, he learned that both the car and Williams were in Tuscaloosa, Alabama. He conveyed this information to Guthrie on February 9 and also provided it to the Metropolitan Police who were responsible for investigating the stolen car.

Also on February 9, Grossi reinterviewed one of the pages he had interviewed earlier and interviewed another page for the first time. His written reports state that these pages told him that they believed Leroy Williams was a homosexual, that the pages "had no further information regarding any other pages that were homosexuals" or about homosexual activities among pages or nonpages. The report of Grossi's interview with the page he interviewed for the second time indicates that she said she did not know of any adults from the House or Senate attending any parties which she attended. The interview reports also included information about the use of alcohol by pages at parties given by Williams and others, the willingness of Washington commercial establishments to serve pages alcohol, the use of drugs by pages, and trips by pages to Fourteenth Street allegedly to pick up prostitutes. One of these pages also told Grossi about two separate fights involving two male pages.

Grossi's reports indicate that on February 10, he interviewed three additional pages. These three interviews focused on an incident at a page party in which a page had struck someone on the head with a bottle.

On February 11, 1982, Grossi wrote a summary report in which he listed eight pages whom he had interviewed.[1]

The summary report included this paragraph:

> With the exception of the few cases of misconduct as indicated by prior reports involving Pages, this investigation could find no further indications of sexual overtones or misconduct involving Male or Female Pages or non-Page adults.

Also on February 11, Grossi wrote a second report indicating that he met with Guthrie at 9:30 a.m. on that day, and that, at the direction of Guthrie, the page investigation was terminated. This second February 11 report indicated that, as a result of the investigation, four pages, including Leroy Williams, were being dismissed. Grossi wrote no more reports as part of his investigation. On June 25, 1982, he was contacted by a television reporter asking questions about the investigtation. At that time he wrote a summary report of the investigation for his superiors.

Some of the pages whom Grossi interviewed have reported lines of questioning that are not reflected in Grossi's written reports. One page testified that Grossi asked her if she had ever been approached by a Member of the House or the Senate and if she had ever heard anything about Williams being approached by a Member of Congress. This page said that she heard that Grossi asked the same questions of everyone else. She also testified that Grossi's questions led her to believe that Leroy Williams had "some kind of sexual involvement with Congressmen."

Grossi himself has denied under oath that he asked any page about being propositioned by Members of Congress. He said that he had no reason to ask such questions. But he testified that he believes he did ask pages about propositions from "nonpage adults."

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[1] No individual interview report appears to exist for one of the pages listed, but this page has confirmed that Grossi did in fact question him.

He testified that the only conversation he had with pages specifically regarding a Member of Congress related to a Member who allegedly had asked some pages out for a drink. Grossi could not recall who had told him about this, and he had never learned the Member's name.

A second page testified that Grossi asked her if Williams was involved with a prostitution ring, and if he was a liaison for Congressmen. Grossi testified that he asked the pages about sexual contact between pages and between pages and non-page adults, and he "probably" asked all of them if Leroy Williams was a homosexual. But Grossi does not recall asking the questions described by the page.

A third page testified

> That Grossi told him that one of the reasons another page was dismissed was "conclusive evidence that he was prostituting himself on Fourteenth Street as well as picking (prostitutes) up;" and
>
> That Grossi asked questions about these "prostituting activities" and about the sexual activities of yet another page.

Grossi said he heard early in his interviews that Williams and another page were taking pages to Fourteenth Street, and that he probably asked other pages about this allegation in subsequent interviews. However, he denies having told anyone any page was fired for prostitution. In fact, Grossi said he did not learn of any page's dismissal until the termination of his investigation. Thus he could not have given anyone any reason for a page's dismissal during his interview.

Based on the interviews and the evidence, the Special Counsel concluded that Grossi did ask about pages' sexual conduct and about contacts with adults, but did not ask about Members of Congress or about Williams and prostitution. Rather the Special Counsel has concluded that these subjects were the result of assumptions or speculation on the part of pages about what lay behind Grossi's investigation.

C. Termination of the investigation

Grossi's reports indicate that Sergeant at Arms Guthrie instructed him to terminate the page investigation on February 11, 1982. Grossi has testified that the termination of the investigation at this stage was a surprise to him, inasmuch as he had not yet spoken to all the pages implicated in earlier interviews. In particular, he had planned to interview the second page, in addition to Williams, who was alleged to have taken other pages to Fourteenth Street. He said, however, that it was his understanding that the matter was to be handled "administratively," and that, while police involvement was no longer required, the questions raised by the investigation would be addressed.

Guthrie has testified that it is his recollection that, at the time of the termination, Grossi himself felt that he had pursued the matter as far as he could. Guthrie recalls that the pages who had not been interviewed had left Washington and were no longer accessible to the Capitol Police. In any event, on February 11, Guthrie felt that the investigation should be concluded. He pointed out that the investigation had been initiated by the police because of a page's missing wallet, and the primary suspect in the theft of the wallet, Leroy Williams, was then far from the jurisdiction of the Capitol Police. The information about page misconduct had been forwarded to the Doorkeeper of the House, who was responsible for the pages. Guthrie, therefore, felt that he and the police had done as much as they could.

Guthrie's recollection is supported by Grossi's first February 11 report, which the evidence indicates was given to Guthrie at the time Grossi met with him on February 11. In tone and in content that document suggests a final report.

Guthrie testified that he provided Grossi's written report to Molloy immediately following the February 11 meeting.

D. Action taken as a result of the investigation

(1) Notification of sponsors

Before the investigation ended, but after Guthrie and Molloy had received Grossi's report of his first interviews with pages, they met with House Speaker Thomas P. O'Neill to inform him that an investigation of pages was in progress. This meeting took place in the Speaker's office, probably on Friday, February 5 or Monday, February 8. Guthrie recalls that Molloy showed the Speaker the written reports of Grossi's interviews, but Molloy does not recall that he did so. Both agree that the meeting was brief; that it was solely to inform the Speaker; and that it was consistent with their practice to keep the Speaker advised of developments within their respective areas of responsibility.

Neither recalls with any specificity what was said at the meeting. Molloy says that he told the Speaker that an investigation of page activity was being conducted, but is uncertain that he specified it was bieng conducted by the poiice. He also says that he may have mentioned allegations regarding the stolen car, wild parties, beer drinking, and homosexual activities. He says that he may have mentioned the possibility of homosexual activities involving Members of Congress, although he testified that he had not heard any allegations relating to Members and pages at this time. Guthrie recalls only that Molloy briefed the Speaker regarding the investigation. Both recall that the outcome of the meeting was that the Speaker instructed Molloy to inform the congressional sponsors of the pages of the information being developed about their pages.

The Speaker himself also recalls this meeting lasted only a few minutes. He remembers that Molloy told him there had been a problem with a page and that the problem involved the theft of a car and a wallet. He does not recall more than one page being mentioned. He does recall telling Molloy to inform the page's sponsor.

Over the next several days, Molloy contacted or attempted to contact the sponsors of pages named in Grossi's interview reports. Molloy recalls that he reached most of the sponsors or their staff, although he also recalls that he was unable to reach some of the sponsors. Most of those contacted by Molloy report that they received very little information regarding the substance of the investigation. Only Williams' sponsor, Representative Bethune, and one other sponsor reported receiving any indication of allegations of homosexual activity. In most cases Molloy simply reported that the page in question had been named in an investigation of misconduct.

Representative Bethune was visited by both Molloy and Guthrie on February 9. Guthrie and Molloy reported to Bethune about the items found in Williams' room indicating homosexual interests, the parties in his apartment, the allegations regarding trips to Fourteenth Street, and the evidence suggesting that Williams had stolen a page's wallet and another page's car. It is Bethune's recollection that there was no mention of any information relating to Members of Congress.

2. Dismissals

Molloy dismissed two pages. He testified that the performance of these two pages had been criticized by his staff in the past. In addition, Molloy said at the same time that Grossi reported they were misbehaving, he received reports from the Page School indicating that both had failed to meet minimum academic requirements. Considering all these factors, Molloy decided to send these pages home.

Grossi's final report indicates that a fourth page was also dismissed. In fact, this page was not dismissed. Molloy testified that he considered dismissing this page, because he had heard that the page had a drinking problem and that he was a source of trouble among the pages. But one of Molloy's subordinates told Molloy that the [illegible] performed well on the job. Molloy said that the page's [illegible]ional sponsor also argued against his dismissal. Molloy dec[illegible] let the page stay, but instructed one of the page supervisors [illegible]ak to him regarding his behavior.

3. W[illegible] other pages

The D[illegible]oorkeeper, Jack Russ, called a meeting of House pages in which he announced that some pages would no longer be in the program. The purpose of this announcement was to warn other pages of the consequences of misconduct. Molloy testified he was not a participant in this meeting and did not know it occurred.

E. Rumors resulting from the police investigation

Grossi's questioning of pages clearly lead to speculation among the pages about the origin and purpose of the investigation. The rumors and gossip stimulated by the investigation in fact greatly complicated the task of reconstructing what actually occurred in the course of the inquiry. Two examples should demonstrate how some of the rumors began. The evidence obtained by the Special Counsel supports Grossi's testimony that he asked the pages he interviewed about sexual contacts between pages and "non-page adults." At least one page who was interviewed assumed from that question that she was being asked about approaches by Members of Congress. Undoubtedly that page in turn told other pages that the U.S.C.P. was investigating sex between Members of Congress and pages.

The second example involves other pages interviewed by Grossi. A male page testified that Grossi had hinted about pornographic material, drugs, and a stolen wallet having being found in Williams' apartment. The page said that he had compared notes with a female page also interviewed by Grossi to try to figure out why Williams was involved in these things. At that time the female page had said that Williams was acting as a liaison between Congressmen and prostitutes. The male page said he believed his colleague was surmising this from Grossi's line of questioning.

This testimony is corroborated by that of another male page, who said he heard the same female page say that Williams had been involved in setting up a prostitution ring for Members of Congress. He said this remark occurred in a conversation in which pages were speculating about the reasons for the Grossi investigation.

Whatever the source of this rumor, it was plainly in active circulation before Grossi's investigation was even completed. On February 11, a staff member at the Democratic Study Group called a staff member of the Committee on Standards of Official Conduct to report a rumor that a page sponsored by Representative Bethune had been sent home. The rumor had a variety of details—most inaccurate—including the claim that the page was a homosexual who had been "pimping" for Members of Congress. The staffer who called in this rumor reports that he heard it from a staff member in Representative Schroeder's office. This staffer in turn heard the allegation from a page, Jeffrey Opp.

CONCLUSIONS

A. Scope of the investigation

Based on the evidence obtained in the course of this investigation, the Special Counsel has found that the U.S.C.P. investigation was based on allegations of misconduct by pages, and that at no time in the course of the investigation did the police receive any significant allegations of misconduct by anyone else. The investigator conducting the inquiry did receive information that an unnamed Congressman had invited some pages to have a drink. But the investigator was also told that this invitation was not accepted. He asked questions of pages regarding their contacts with adults. While some pages recall that he asked questions regarding Members of Congress, no one has ever said that any information about misconduct by Members was ever provided to the U.S.C.P. Sergeant Grossi himself has testified that he received no information about Members of Congress, other than the information regarding the invitation for a drink. There is no evidence that the police ever received any other information in the course of this investigation which suggested misconduct by any Member or nonpage employee of the House.

B. Termination of the investigation

The Special Counsel has found it important to distinguish between two questions. First, from a law enforcement point of view, was the investigation prematurely terminated? In other words, were there indications of criminal activity that were intentionally ignored by the Capitol Hill Police when the investigation was concluded?

But this question must be distinguished from a second question that raises the broader responsibilities of the House of Representatives in supervising pages. That question is the following: Was appropriate follow-up action taken by someone in the House on the basis of the information developed by the Capitol Hill Police?

We turn first to the law enforcement question.

The Committee has deposed both House Sergeant-at-Arms Guthrie and Sergeant Grossi and has interviewed Grossi's police superiors, Deputy Chief Abernathy and Chief Powell, regarding the propriety of the termination of the police investigation. All agree that there was no longer any criminal matter to investigate when the inquiry was concluded on February 11. In their view, Grossi's effort began as an investigation of a stolen wallet. The prime suspect in that case, Williams, was hundreds of miles from the jurisdiction. Given the petty nature of the offense, there was no practical possibility of extradition. The stolen car, which did come to Grossi's attention in the course of the investigation, was a crime that was within the jurisdiction of and being investigated by the Metropolitan Police, not the U.S.C.P. (Grossi did inform the Metropolitan Police of the information he received regarding the car.) Grossi had received no other allegations of criminal activity within U.S.C.P. jurisdiction. Therefore, from the point of view of the Capitol Police, there was nothing further to investigate.

There is no evidence that the decision to terminate the Capitol Police investigation had its roots in any effort to conceal evidence of criminal misconduct or to conceal evidence of wrongdoing by Members, officers, or employees of the House. The Special Counsel has found no indication that the police possessed any such evidence or information.

But there clearly was a serious failure on the part of the House as an institution. While it may have been acceptable to conclude the police investigation, information had been developed that required further action.

Grossi's investigation left the following questions outstanding:

1. Had minor pages in fact visited Fourteenth Street area and used the services of prostitutes?
2. Were commercial establishments in the vicinity of the Capitol routinely and consciously serving alcoholic beverages to minor pages?
3. Were pages using illegal narcotics?
4. Were pages attending all-night parties, to the detriment of their school and work performance?

But no further official inquiries were made by officers or employees of the House to answer these questions, until allegations of homosexual conduct involving Members of Congress and pages were publicized by the media in late June and early July, 1982.

No one took action that was plainly required. Specifically, nothing was done to determine with certainty whether pages had used the services of prostitutes. More importantly, nothing was done to prevent such activities in the future. No action was taken to stop several commercial establishments known to be patronized heavily by pages from serving them alcohol. No action, other than the implied threat in the announcement that two pages had gone home, was taken to stop the practice of all-night drinking parties by some pages.

In the judgment of the Special Counsel, the current fragmentation of responsibility for the pages resulted in a serious failure on the part of the House as an institution. Pages are sponsored by individual Members of the House. At work, they are supervised by the Doorkeeper's Office. The House requires the parents of a page to sign a written statement "assuring full responsibility for the safety, well-being and supervision of the [page] while living in the District of Columbia area." The Capitol Police have a narrow jurisdiction, and the metropolitan Police can hardly be expected to focus on the welfare of pages scattered in apartments on Capitol Hill.

Based on the evidence received in the course of this investigation, the Special Counsel believes that there is an urgent need for the House of Representatives to fix responsibility—formally and in writing—for the supervision of pages after working hours. In the Special Counsel's judgment, the lack of clear responsibility led directly to the failure to address the serious problems of misconduct that developed among the pages in 1981 and 1982. If the House chooses to employ teenage high school pages, establishing a page dormitory and a Page Board are steps in the right direction. But unless responsibility for supervision of teenage pages after working hours is clearly established, the problems that developed in 1981-82 are likely to recur.

APPENDIX B

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., September 27, 1982.

Mr. JOHN FERRUGIA,
CBS Television News,
Washington, D.C.

DEAR MR. FERRUGIA: On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorizes the Committee on Standards of Official Conduct to carry out an investigation of—

(1) Alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) Illicit use or distribution of drugs by Members, officers, or employees of the House;

(3) The offering of preferential treatment by Members, officers, or employees of the House, including congressional pages, in exchange for drugs or sexual favors.

The Committee has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolution 518, which authorizes the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct, and my response at the time of appointment are enclosed.

In the course of our investigation, information has been received concerning statements you made in the course of interviews you conducted earlier this year. That information indicates that you stated to individuals whom you interviewed that you had knowledge of improper or illegal conduct by Members, officers or employees of the House of Representatives, within the scope of House Resolution 518, and that in at least some cases, you identified the person involved in such conduct.

Since the Committee has charged me with the responsibility to conduct a thorough investigation, I am requesting that you provide us with any information that you have falling within the scope of the investigation authorized by House Resolution 518. As a first step, I request that you meet with Mr. Hamilton P. Fox III of this office to discuss these matters, in House Annex II, Room H-2-507, at 3:00 pm, October 6, 1982. We are aware of the delicacy of the relationship between any government investigation and the press, but I believe it is important that we seek the cooperation of the press where a reporter has already disclosed the names of individuals to a number of people he has interviewed.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

CBS,
Washington, D.C., October 14, 1982.

JOSEPH A. CALIFANO, Jr., Esq.,
Special Counsel,
Committee on Standards of Official Conduct.

DEAR MR. CALIFANO: I am replying to your September 27 letter to CBS News Correspondent John Ferrugia requesting that he meet with your staff in connection with your investigation pursuant to House Resolution 518. In your letter, you state that you have received "information" that Mr. Ferrugia stated to individuals whom he interviewed that he had knowledge of illegal or improper conduct by Members, officers or employees of the House and that, "at least in some cases," he identified such persons. Based on subsequent conversations with your staff, it is our understanding that a principal purpose of questioning Mr. Ferrugia would be to help assess the reliability of information obtained from certain individuals already interviewed by your staff.

As we have indicated we believe that sensitive First Amendment questions are raised by your request, even if it is limited to the above purpose. Because of the important issues involved, your request has received very careful consideration both by Mr. Ferrugia and the management of CBS News.

For many years, it has been the general practice of CBS News to provide to government agencies only that information concerning its news reports which is a matter of public record. In this respect, we are pleased to enclose transcripts of all television reports broadcast by CBS News on this story. However, your request for an interview goes beyond the as-broadcast materials, and into the area of unpublished information. It is Mr. Ferrugia's strong conviction, and that of CBS News as well, that a discussion concerning unpublished material would unacceptably compromise the independence which should charaterize the relationship between the press and the government.

In our view, questions as to whether and why particular statements were made during interviews with news sources go to the heart of the editorial process and are beyond the scope of legitimate inquiry by the government. It is obvious that reporters must ask questions in the course of gathering information for a story, that those questions often involve inquiries as to specific facts, and often as well involve attempts to confirm information already in the reporter's possession. (In the instant case, these questions involved not only inquiries about alleged misconduct but inquiries as well about the efforts of Members of the House to investigate such reports.) To later be interrogated by government investigators about what questions were asked and answers given can only chill the news gathering process.

We also believe it important to emphasize, in light of the significance which is apparently now being attached to statements allegedly made by Mr. Ferrugia, that CBS News believes that he acted entirely properly in his investigation and reporting of this story. Mr. Ferrugia's reports were completely factual, and dealt largely with allegations which were being actively investigated by the Justice Department, the FBI, the Arlington Police, the Speaker's Special Commission on Pages, and the Committee itself. Moreover, given these investigations by government authorities, it is reasonable to believe that informaiton which you might seek from Mr. Ferrugia is obtainable directly from these authorities.

In sum, the reports aired by Mr. Ferrugia represented what he and his superiors at CBS News concluded could be responsibly broadcast. Other information colected or discussed in the course of his inquiry has remained and must remain private and privileged. For the Committee to seek out such information from the reporter would, in our view, constitute a serious and unwarranted intrusion into the basic right of the press to go about its business on reporting, editing and publishing without governmental interference. Accordingly, Mr. Ferrugia, with the full support of CBS News, respectifully declines to be interviewed by the Committee staff.

Very truly yours,

JOSEPH DE FRANCO,
Washington Counsel.

APPENDIX C

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., August 20, 1982.

DEAR ———: The House of Representatives has authorized the Committee on Standards of Official Conduct to investigate alleged improper conduct by any Member, officer, or employee of the House in the following three areas: (1) alleged improper or illegal sexual conduct, (2) illicit use or distribution of drugs, and (3) the offering of preferential treatment to employees of the House, including Congressional pages, in exchange for drugs or sexual favors. The Committee on Standards of Official Conduct has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolution 518, which authorizes the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct, and my response at the time of appointment are enclosed. As those documents indicate, the Committee has charged me with responsibility to conduct a fair, impartial, thorough, and expeditious investigation.

One part of the investigation is specifically concerned with House pages, and I am writing each individual who, like you, has served as a page during the last three years. I hope your service as a page was an educational, personally rewarding, and worthwhile experience. But we need to know whether you have any information tha relates to the subjects under investigation. The Committee and the House need your assistance.

I am sensitive to the delicate nature of the subjects of this investigation. We intend to conduct this inquiry in a fashion which will avoid unnecessary embarrssment to anyone. We are not seeking rumor or gossip. Rather, we are seeking any information that you have from personal knowledge or that you have received from a source whom you believe to be reliable and truthful. If you have such information relevant to the three subjects of the Committee's inquiry mentioned in the first paragraph of this letter and the enclosed House Resolution, I urge you to provide us with it. To the extent your experience indicates that allegations of improper conduct in the areas under investigation have no basis, we would appreciate hearing from you on that score as well.

Please contact me by sending a letter or by telephone. A properly addressed, franked envelope is enclosed for your convenience. If you prefer, you may call Jerry McQueen, Hamilton Fox, or Richard Cotton of our Special Counsel's office. You can reach them at: 202/225-8891 or 202/226-7760, and you may call collect. Because it is important to conduct this investigation as expeditiously as possible, if you do have information, you should contract us by September 15, 1982.

Those of you who have information may feel yourself caught between a personal desire not to be involved and your responsibilities to the House, to future pages, and as a citizen. Having served as a page, you are more aware, than most young Americans of the importance of the House of Representatives. I encourage you to assist the House and the Committee on Standards of Official Conduct in carrying out this investigation in order to preserve the integrity of the House and the confidence of the American people in our democratic institutions.

We are asking for your voluntary cooperation. It is important to the House of Representatives and your nation that you provide that cooperation, and I urge you to do so.

Sincerely,

Joseph A. Califano, Jr.,
Special Counsel.

APPENDIX "B"

House Calendar No. 32

98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 98-205

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

ON THE INQUIRY UNDER HOUSE RESOLUTION 12, 98TH CONGRESS, 1ST SESSION

INTO CERTAIN

NARCOTICS INVESTIGATIONS BY THE UNITED STATES CAPITOL POLICE

MAY 18, 1983.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
20-718 O WASHINGTON : 1983

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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John M. Swanner, *Staff Director*
Joseph A. Califano, Jr., *Special Counsel*

LETTER OF SUBMITTAL

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., May 18, 1983.

Hon. Thomas P. O'Neill, Jr.,
The Speaker, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Pursuant to House Resolution 12 of the 98th Congress, I herewith submit the attached Report from the Committee on Standards of Official Conduct.

Sincerely,

Louis Stokes,
Chairman.

House Calendar No. 32

98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 98-205

INQUIRY UNDER HOUSE RESOLUTION 12, 98TH CONGRESS, 1ST SESSION INTO CERTAIN NARCOTICS INVESTIGATIONS BY THE UNITED STATES CAPITOL POLICE

MAY 18, 1983.—Referred to the House Calendar and ordered to be printed

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Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

I. INTRODUCTION

On July 13, 1982, the House agreed to House Resolution 518, 97th Congress, and on January 3, 1983, the House agreed to House Resolution 12, 98th Congress. These resolutions authorized and directed this Committee to conduct a full and complete inquiry and investigation of

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House including congressional pages, in exchange for any item referred to in subclause (1) or (2).

Shortly after the adoption of H. Res. 518, 97th Congress, this Committee named Joseph A. Califano, Jr., as Special Counsel to conduct the investigation and he has continued to serve as Special Counsel in the 98th Congress.

II. CAPITOL POLICE INVESTIGATION

In the course of its inquiry under H. Res. 518 and H. Res. 12, the Committee received certain allegations regarding the conduct of the U.S. Capitol Police in carrying out a 1980 investigation of illegal drug activity on Capitol Hill. In July, 1982, an officer of the United States Capitol Police met with Representative Louis Stokes, the Chairman of the Committee, and alleged that the Capitol Police had not pursued important information he had obtained regarding illegal drug activity. The Chairman referred the officer to the Special Counsel, with instructions to investigate these allegations. On September 14, 1982, the Special Counsel presented a summary of the allegations to the Committee, and the Chairman confirmed the Committee's directive to carry out a thorough investigation of these allegations. The investigation was carried out pursuant to an agreement between this Committee and the Senate.

III. THE COMMITTEE'S ACTIONS

The Special Counsel has completed his investigation of the allegations concerning the Capitol Police drug investigation and has filed his report with this Committee. The Committee approves and adopts the findings, conclusions and recommendations of the Special Counsel's report. The Special Counsel's report is reproduced as an appendix to this Report. Pursuant to the Special Counsel's recommendations, the Committee refers his report to the leadership of the House and Senate and to the Capitol Police Board for appropriate action.

The Committee takes particular note of certain findings of the Special Counsel. First, the Special Counsel found that the Capitol Police's 1980 drug investigation involved no evidence of illicit use or distribution of drugs by House Members or professional staff.

Second, the Committee endorses the conclusion by the Special Counsel that the failure of the Capitol Police to pursue leads of illicit drug use and distribution by non-professional employees and particularly by Capitol Police officers "constitutes a grave abdication of responsibility." The Committee believes that the Special Counsel's findings with respect to the capacity of the Capitol Police to carry out drug investigations are serious. The enforcement, within the Capitol enclave, of laws passed by the Congress ought to be a high priority of the Congress. The evidence that the Capitol Police force lacks the capacity to carry out a serious investigation of illicit drug use and distribution requires attention. The Committee recommends that the Capitol Police Board and the leadership of the Congress consider what institutional changes are necessary to remedy these shortcomings. The Committee also recommends that the Capitol Police Board consider whether any disciplinary action is appropriate in individual cases for the failure to follow up leads from the 1980 investigation, that are reported by the Special Counsel.

Third, the Committee, along with the Special Counsel, views the failure to pursue allegations of drug use and distribution by Capitol Police officers as "particularly serious and troublesome." Any illegal activity among police officers has a corrupting influence far beyond the illegal act itself. The Committee recommends that the Capitol Police Board pay particular attention to the failure of the Capitol Police to investigate allegations concerning three of its officers at the time those allegations were received.

Fourth, the Committee also recommends that the Capitol Police Board consider whether disciplinary action should be taken in connection with the destruction of Capitol Police documents and the conflicts in testimony identified in the Special Counsel's report.

STATEMENT UNDER CLAUSE 2(b) OF RULE X

The Committee's oversight findings and recommendations are stated above.

No budget statement is submitted.

This report was adopted by a show of hands, 11 yeas, 0 nays, on May 18, 1983.

APPENDIX

REPORT OF THE SPECIAL COUNSEL ON THE INQUIRY INTO CERTAIN NARCOTICS INVESTIGATIONS BY THE UNITED STATES CAPITOL POLICE

SUMMARY AND CONCLUSIONS

Early in 1980, the United States Capitol Police conducted an investigation of narcotics activity in a Senate office building annex "break" room, a lounge for service and clerical employees. The Capitol Police who conducted the investigation arrested ten individuals, seven laborers and three clerks, for possession of marihuana and phencyclidine, or PCP, a dangerous hallucinogenic drug. They also developed leads relating to other illegal narcotics activity within Capitol buildings and grounds, by nonprofessional congressional employees and some members of the Capitol police force, but they made no other arrests.

In the summer of 1982, the national news media reported that the Justice Department was looking into allegations of illegal drug activity by Members of Congress and congressional staff. On July 27 and 28, 1982, a local television station in Washington, D.C., WDVM-TV, broadcast a story charging that Capitol Police "may have been close to uncovering the [drug] scandal" two years before. The July 27 WDVM-TV story asserted that:

"Eyewitness News has learned from sources that Capitol Hill Police had evidence of alleged widespread cocaine activity as far back as two years ago. There was a small investigation and some arrests were made. But then suddenly the officers assigned to the case were reassigned as well as the deputy police chief. Eyewitness News has obtained copies of confidential Capitol Hill Police reports from that drug probe, reports in which some Capitol Hill employees named not only alleged drug users but their suppliers. The workers admitted to investigators that they have used cocaine and other drugs during working hours."

The television news report displayed excerpts from documents written during the 1980 investigation that led to the ten arrests.

At his request, an officer who had participated in the 1980 investigation, Sergeant Ronald Richardson, met in late July 1982, with Representative Louis Stokes, the Chairman of the Committee on Standards of Official Conduct, and made certain allegations. Chairman Stokes referred Richardson to the Special Counsel, with instructions to investigate his allegations. Richardson and his colleague from the 1980 investigation, Officer Linwood Bennett, claimed to have information concerning narcotics use on Capitol Hill. They said that they had been investigating such use when they were reassigned. They believed that, after their transfers, the investigation was not forcefully pursued.

Neither the WDVM–TV report nor Officers Richardson and Bennett specifically alleged that the 1980 narcotics investigation involved Members of Congress. Nevertheless, the contemporaneous press reports of allegations of drug use by Members and of termination of a Capitol Police drug investigation left the impression that the investigation may have been terminated to protect Members.

At the Committee's request, the Special Counsel has conducted an extensive inquiry into the 1980 Capitol Police narcotics investigation and its termination. Every Capitol Police officer who did any significant work on the investigation has been interviewed; most have been deposed. The hierarchy of the police responsible for supervising the investigation, up to and including the Chief of Police, has been deposed. All available records of the Capitol Police relating to this investigation have been obtained and examined. Based on the evidence obtained, the Special Counsel has reached the following conclusions:

1. There is no evidence that implicates, in any way, any Member of the House of Representatives in any drug investigation conducted by the Capitol Police between January, 1980 and July, 1982, the period covered by this aspect of the Special Counsel's inquiry.

2. There is no evidence that implicates, in any way, any House professional staff in any drug investigation conducted by the Capitol Police between January, 1980 and July, 1982.

3. The narcotics investigation conducted by the Capitol Police in 1980 involved allegations of drug use and distribution by non-professional congressional employees on Capitol Hill and some members of the Capitol Police force.

4. The 1980 investigation produced substantial leads which were not pursued concerning use and sale of drugs by non-professional congressional employees and by three members of the Capitol Police force.

5. The failure to pursue the leads uncovered in the 1980 investigation raises serious questions about the handling of that investigation and about the competence of the Capitol Police to conduct serious criminal investigations in the drug area. The evidence is insufficient to conclude that there was a conscious effort to obstruct the 1980 investigation. But the failure of certain Capitol police to follow up leads and vigorously to pursue the 1980 drug investigation constitutes a significant abdication of responsibility. The failure to act is particularly serious because some of the abandoned leads involved members of the Capitol Police force. The Capitol Police Board should consider what institutional changes are required to prevent repetition of these failures in the future, and whether disciplinary action is appropriate. The Special Counsel recommends that the Committee refer this matter to the leadership of the House and Senate and the Capitol Police Board.

6. Records relating to some Capitol Police drug investigations were destroyed before the Special Counsel began this investigation. The evidence is insufficient to conclude that the records destroyed contained information important to the Committee's investigation of illicit use or distribution of drugs. Nevertheless, destruction of records in at least one instance appears wholly improper, and may warrant serious disciplinary action. The Special Counsel recommends that the Committee refer this matter to the Capitol Police Board for appropriate disciplinary action.

7. There is conflict in the testimony about which officers were informed of the destruction of certain Capitol Police drug records and when they were informed. There are also conflicts as to the source of rumors regarding the destruction of documents at the time of the Special Counsel's August 2, 1982 request to the Capitol Police for records relating to investigations of illegal drug activity and sexual misconduct. The conflicts in testimony are serious, but whether there is sufficient evidence to merit criminal prosecution for perjury is doubtful. Yet such conflicts in testimony involving ranking members of the Capitol Police raise serious questions that should be considered by the Capitol Police Board.

I. SCOPE AND CONDUCT OF THE SPECIAL COUNSEL'S INVESTIGATION

The jurisdiction of the House Committee on Standards of Official Conduct extends to Members, officers, and employees of the House. Approximately 650 Capitol Police officers are employees of the House; approximately 550 others are employees of the Senate. Some police officers on the Senate payroll carry out assignments relating to the House, and vice-versa. The entire force is subject to the jurisdiction of the three-member Capitol Police Board, comprised of the Sergeants at Arms of the House and Senate and the Architect of the Capitol. The 1980 Capitol Police drug investigation focused initially on service and clerical employees of the Senate.

To permit a thorough investigation of how the Capitol Police conducted the 1980 drug inquiry, Committee Chairman Stokes and Senate Majority Leader Howard Baker agreed that the Special Counsel would be free to conduct the inquiry in both Houses of Congress. The Senate Majority Leader agreed that Senate employees could be interviewed and Senate documents examined. The House Committee Chairman agreed to turn over to the Senate Ethics Committee any information developed concerning employees of the Senate. This investigation has been carried out under the terms of that agreement, expressed in the exchange of letters attached as an appendix to this report.

In light of allegations made by Officers Richardson and Bennett and by the television news report, the Special Counsel sought to determine (a) whether the Capitol Police had developed information or evidence concerning illegal drug activities on Capitol Hill that should be incorporated into the basic investigation in this area, and (b) whether the Capitol Police had covered up or failed properly to pursue information concerning illegal drug activities.

In carrying out this investigation, the Special Counsel's office questioned all members of the Capitol Police who played roles of any significance in the 1980 drug investigation, a number of subjects of that investigation, and others believed to have relevant information. Members of the Capitol Police Criminal Investigations Division who have conducted drug investigations since 1980 were also interrogated. In total, more than 40 witnesses were questioned, many two or more times. Investigators and attorneys devoted some 2,000 hours of time to the effort.

The Special Counsel's office conducted fourteen depositions, including those of the Chief of Police, two Deputy Chiefs of Police, the head of the Criminal Investigations Division, and the two Capitol

Police officers who alleged their investigation was improperly terminated.

The Special Counsel made two extensive document requests of the Capitol Police. On August 2, 1982, the Special Counsel requested all files for the previous five years concerning illicit use or distribution of drugs relating to the House of Representatives. On December 8, 1982, pursuant to the agreement between Chairman Stokes and Senate Majority Leader Baker, the Special Counsel requested:

"Any and all documents, investigative notes, or other written material, recordings, photographs, audiotapes, videotapes, films or other records of the United States Capitol Police (USCP), relating to any investigation or other activity conducted or assisted by the USCP, during the period January 1, 1980 to the present, involving allegations of illegal possession, use, or distribution of narcotics by any person."

In order to avoid any risk of exposure of ongoing investigations, the Special Counsel excluded from this request records of investigations initiated since July 13, 1982 and in progress.

More than 1,000 pages of documents were received in response to these requests. The Capitol Police also made available videotapes and sound recordings taken in connection with the 1980 investigation.

This report concerns the allegations of a cover-up surrounding the 1980 drug investigation. Investigators and lawyers are continuing their review of allegations and materials relevant to the basic drug investigation.

II. The Capitol Police

The Capitol Police have the responsibility to "police the United States Capitol Buildings and Grounds," 40 U.S.C. § 212a. Members of the Capitol Police are empowered to make arrests within the Capitol grounds for any violation of federal law or laws of the District of Columbia. Members of the Metropolitan Police of the District of Columbia are also empowered to make arrests within the Capitol grounds, but only with consent of the Capitol Police Board. Id.

With about 1,200 officers, the Capitol Police force ranks among the 30 largest in the United States. The jurisdiction of the Capitol Police covers approximately 187 acres, a work force of about 22,000, and thousands of visitors. According to FBI statistics, the average ratio of police officers to residents in American cities with populations the size of the Capitol work community is 1.7 officers for every 1,000 residents. Within the Capitol buildings and grounds, the ratio of police to workers is 30 times higher—approximately 54 officers for every 1,000 congressional employees. The city of San Diego, with a population of nearly 900,000 and a geographic area of 20,794 acres (323.5 square miles) has a police force of 1,300 officers, only slightly larger than the Capitol Police. But Capitol Police also perform building security functions typically carried out by privately employed security guards in most cities.

Of the 1,200 members of the Capitol Police, as of March 2, 1982, only seven were assigned to the Detective Branch of the Criminal Investigations Division. That branch is responsible not only for drug investigations, but for investigating lost and stolen property reports and any criminal matters that arise. The seven-person branch handles approximately 650 cases each year. Everyone questioned on the subject, including the Chief of Police, believed that the number of police assigned to criminal investigations is inadequate.

III. THE 1980 DRUG INVESTIGATION

Before considering in detail allegations that have been made concerning Capitol Police actions, it is necessary to set forth the facts of the 1980 investigation and the problems that developed during its course and after its conclusion.

A. CHRONOLOGY

In December 1979, Capitol Police Officers Ronald Richardson and Linwood Bennett met with Deputy Chief William W. Kirby. Both officers were then privates serving as uniformed patrolmen—Richardson in a scout car and Bennett on foot patrol. Richardson and Bennett reported to Kirby that they had observed a suspicious pattern of activity among certain laborers employed by the Senate and the Architect of the Capitol. Richardson and Bennett believed these individuals were selling narcotics within Capitol buildings and grounds. In January 1980, Kirby authorized the two policemen to leave their regular uniformed patrol. He told them to wear plainclothes and to place the suspected individuals under surveillance.

Richardson and Bennett followed a group of eight persons for a period of five to six weeks. They made surreptitious still photographs of the group. Their surveillance records for this period indicate that they never observed any of these individuals in possession of narcotics, and that they never developed probable cause for arrest.

Sometime prior to January 23, 1980, Richardson and Bennett shifted most of their attention from the original suspects to activities in Room 15 of the Senate office building annex at 128 C Street, N.E. The officers collected residue from ashtrays and wastebaskets in the room, and turned the residue over to the Drug Enforcement Agency laboratory for analysis. The laboratory found marijuana and PCP in the residue.

Based on this evidence, on February 15, 1980, a District of Columbia Superior Court judge issued a warrant to conduct videotape surveillance of Room 15.[1] Deputy Chief Kirby assigned Sergeant Larry Lockhart, head of the Capitol Police Crime Scene Search team, to supervise the investigation, and two technicians, Detectives Michael Jarboe and Ray Eaton, to operate videotape equipment clandestinely set up in an adjacent room. Kirby also assigned Officers William Dirks and Elroy Shook to the drug investigation.

During the next six weeks, Eaton and Jarboe videotaped employees smoking marjuana cigarettes in Room 15. The investigating team collected residue from the ashtrays in the room at the end of each day. Laboratory tests of the residue found traces of marijuana and PCP. Nothing observed or videotaped was clearly a drug sales transaction.

On March 20 and 27, 1980, Capitol Police arrested ten persons and charged them with possession of illegal drugs in Room 15 of 128 C Street Senate Annex. The individuals arrested were all service and clerical personnel. The Office of the U.S. Attorney for the District of Columbia and the courts disposed of these cases in the same manner in which they routinely dispose of similar ones. The U.S. Attorney declined prosecution in one case because the evidence was weak. The defendant was a service employee in Senate office buildings, and there has been no allegation of improper influence in connection with that case. The other nine persons arrested either pled guilty, or were diverted to drug rehabilitation programs through which they would eliminate convictions on their official records. None served any time in prison. All were fired from their jobs on Capitol Hill.

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[1] It is unclear that any such warrant was necessary to conduct the surveillance, since it was conducted on government owned, public premise. However, the Assistant United States Attorney advising the Capitol Police on the case decided that obtaining a warrant would be the prudent course.

After the arrests, investigators kept certain locations on and off the Capitol grounds under surveillance, where congressional employees allegedly used or purchased narcotics. But they did not obtain evidence sufficient to make additional arrests. In addition, Capitol Police investigators spent several weeks interrogating those arrested and others videotaped in Room 15. The police were probing for more serious drug offenses and the identity of persons distributing narcotics on Capitol Hill. Some of those questioned provided information; some initially agreed to make undercover buys or introduce undercover police officers to drug distributors. However, they eventually declined to cooperate, apparently after consulting counsel or giving the matter further consideration.[2]

Nonetheless, the Capitol Police now had leads and information about a variety of alleged illegal drug activities by non-professional staff on Capitol Hill. They had names of Capitol Hill employees alleged to be selling marijuana, PCP and cocaine to their fellow workers. They had the names of Capitol Police officers alleged to be selling marijuana and using drugs. They had also developed informants who claimed to have heard that employees use, bought, or sold drugs at particular work places within the Capitol complex.

At the time the drug investigation began, the Capitol Police had two deputy chiefs: Kirby was Deputy Chief in charge of all field operations, and James T. Trollinger was Deputy Chief for administration. About six weeks after the 128 C Street arrests, in early May, 1980, Chief Powell, with the concurrence of the Capitol Police Board, created a third Deputy Chief position, to supervise all investigations conducted by the Capitol Police. Powell promoted Gilbert Abernathy to the new position. Abernathy had served under Deputy Chief Kirby as inspector in charge of investigations. In effect, Abernathy continued to supervise the same activities as he had before, but now he reported directly to the Chief of Police, rather than to Deputy Chief Kirby. Kirby lost his jurisdiction over investigative matters, including the drug investigation; he retained jurisdiction over all uniformed officers in the Patrol Division.

Soon after becoming the third Deputy Chief, Abernathy assigned Captain Richard Xander to supervise the ongoing drug investigation. Xander was then and is now the head of the Criminal Investigations Division.

Over the next two months, the team that had worked on the drug investigation gradually disbanded. Detectives Jarboe and Eaton, who had been temporarily assigned to conduct video surveillance, were returned to their regular duties on the Capitol Police bomb squad, at their request and that of their commanding officer. Sergeant Lockhart, at his own request, returned to his duties on the Crime Scene Search team.

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[2] Richardson testified that a number of persons made firm commitments to cooperate which they never withdrew. However, Dirks, Shook, Jarboe and Bennett, other members of the team, testified that the people Richardson named either never agreed to testify or withdrew their agreements.

On May 14, 1980, Deputy Chief Abernathy, in a memorandum to Chief Powell, requested the permanent assignment of Officers Richardson, Bennett and Dirks to the Criminal Investigations Division, for a "long-term" project in which they were then engaged, an apparent reference to the drug investigation. Abernathy testified that he intended that these officers continue to work on the drug investigation for the indefinite future. Chief Powell approved the request on May 15.

About two weeks later, Officer Richardson was promoted from the rank of private to sergeant. It is routine Capitol Police practice for the most junior officers in each rank to receive the least desirable assignments within that rank. Thus, a promotion is normally accompanied by a reassignment to night shift duty within the new rank. In accordance with this policy, Richardson's promotion was accompanied by a transfer back to the Patrol Division, on a night shift.

Officer Bennett reacted to Richardson's transfer by immediately requesting his own return to the Patrol Division. His request was granted. Officer Shook, who had participated in the 128 C Street investigation, was sent outside the Washington area for an eight-week training course in criminal investigations. A few weeks later, Officer Dirks, the last participant in the 128 C Street investigation, was sent to the same training course. Both Shook and Dirks returned from their training courses to new assignments with the Criminal Investigations Division.

In June, 1980, Mark Herbst, a Criminal Investigations Division officer, was assigned to follow-up outstanding drug leads, in addition to his other investigative duties. In December, 1980, Herbst was promoted and transferred to the Patrol Division. Since then, drug investigations have been handled on a case-by-case basis by the five to seven officers assigned to the Criminal Investigations Division.

In July, 1981, Sergeant Richardson and Officer Bennett wrote a letter to the Capitol Police Board, complaining that they had been conducting a drug investigation in 1980 and had been transferred before being permitted to complete it. Their letter cited a "power struggle" which allegedly erupted in the spring of 1980 between Chief Powell and Deputy Chief Kirby. Their letter suggested a link between the transfer of the narcotics investigation out of the jurisdiction of Deputy Chief Kirby, the transfer of Richardson and Bennett, and the failure to make more arrests. As a result of their letter, the Chairman of the Capitol Police Board asked Richardson and Bennett to provide information about current drug activities on Capitol Hill and designated Captain Robert Langley to pursue any leads they furnished. Bennett supplied names of people he believed to be illegal drug users and traffickers on Capitol grounds, and Richardson disclosed a location where he had found physical evidence of drug use. Langley testified that for a variety of reasons he did not pursue this information. He reported to the Board Chairman that Richardson and Bennett had no significant new information. He did, however, recommend that the Capitol Police develop the capacity to conduct undercover drug investigations. Arrangements were made to place an undercover officer from another police agency in the Capitol complex, but the officer was recognized and the plan to use him aborted.

Since March, 1980, there have been no further arrests as a result of leads developed by Richardson, Bennett, and their colleagues.

B. PROBLEMS OF THE 1980 INVESTIGATION

To the chronology of the 1980 investigation and its after math, it is important to add a description of the deficiencies that characterized the inquiry from the beginning. Those conducting the investigation were not adequately trained and had little or no experience in drug investigations. They lacked appropriate supervision. They failed to develop and put in place workable undercover resources.

These problems were apparent during the investigation conducted by Richardson, Bennett, and their colleagues. Even more serious was the failure to follow up significant leads and information that had been developed about drug activities, some of which potentially implicated members of the Capitol Police force.

1. *Lack of investigative experience and training*

The Capitol Police officers who conducted the 1980 drug investigation had no experience in their work. They had no significant training in narcotics investigations other than technical training to help recognize various drugs. In fact, the group had little investigative experience of any kind. Early on, they sought assistance from the Morals Division of the Metropolitan Police. Morals Division officers provided advice throughout the investigation, but this assistance could not compensate for the lack of experience of Capitol Police investigators.

Their inexperience led to problems, including a tendency to read possibly innocent behavior as drug related, counterproductive efforts to maintain secrecy, and inefficient use of resources.

To illustrate the first problem, one witness cited two occassions in which individuals were observed on videotape engaging in activity which the investigators, who were unable to overhear any conversation accompanying the transaction, initially believed to be drug sales. The officers involved testified that later interviews and study of the tape indicated that the original incidents might well have been unrelated to drugs: in the first instance, handing over cleaning supplies, and, in the second, making change for a dollar bill.

Those involved in the investigation reported a number of instances of counter-productive secrecy. The officers conducting video surveillance, for example, entered the room where their equipment was located by climbing in the window, to avoid being observed entering the room by the door—even though they entered before 6 a.m., when no one was likely to be in the building. As a result, the window had to be left unsecured overnight, with the extensive video equipment in the room. Moreover, climbing through the window was much more likely to arouse curiosity and suspicion than walking through the door.

Richardson, who had worked on the Senate side of Capitol Hill for many years and was well-known as a policeman, wore disguises in an effort to avoid recognition by subjects of the investigation. At various times he dressed as a priest, a construction worker, and a derelict, complete with make up and a false beard. According to his colleagues, these disguises often made him more, rather than less conspicuous.

Finally, the group tended to use their resources inefficiently. Members of the unit themselves, as well as others, said that as many as five investigators would conduct surveillance or run down a lead that could have been handled—and more discreetly—by one or two officers. One investigator described this process:

"Instead of two of us following up this lead while two of us went over on this lead, Richardson wanted everybody kept together. We went out to check a residence, we went as a group. We went as four or three. I know we went out to P.G. County to more or less exchange information to see if they had any files on peoples like [names of subjects], and instead of just two of us going out, four or five of us went out, just about the whole squad went, with the exclusion of Sergeant Lockhart. That was the problem. It was a problem to me then. It is a problem to me now. To me, it is very unprofessional."

After the 128 C Street Senate Annex arrests, the group's inefficient use of resources was exacerbated by efforts simultaneously to follow up a wide variety of disparate allegations, including some relating to activities off the Capitol grounds. Some who participated in the investigation criticized this scattergun approach as unproductive.

2. *Lack of appropriate supervision*

The group's inexperience was compounded by lack of professional supervision. No one with significant experience in narcotics work was available to oversee the investigation. Sergeant Lockhart of the Crime Scene Search team was primarily a finderprint expert, with only some technical experience and training in identifying illegal drugs. Based on this limited experience, he was designated to supervise the drug investigation, while continuing to serve as head of the Crime Scene Search unit.

But Lockhart never really assumed control of the investigation. All those questioned about the investigation agreed that the driving force was Richardson, then a twelve-year veteran of the Capitol Police. Richardson tended to ignore both Lockhart and then-Inspector Abernathy and report directly to Deputy Chief Kirby. Kirby himself had no investigative experience.

Tensions generated over who was in charge of the investigation impeded it. Even participants agreed that the group needed far better supervision than it received. One investigator raised this issue when asked if higher-ranking officers in the Capitol Police had tried to hinder the investigation in any way.

"*Question.* Did you ever get the impression that you were prevented from following certain leads that should have been followed by someone who wanted to hinder further investigation, from any of your superiors?

"Answer. See, really, we, our superiors really didn't have any control over us. That is what I meant when I said they should have kept a tighter rein on us. They let us do whatever we wanted to do. Wherever we wanted to go, we went.

3. *Lack of undercover resources*

Successful prosecution for distribution of illegal drugs usually requires a cooperating witness who participated in the transaction. Frequently, that witness is an undercover agent.

In the course of the 1980 investigation, the police team developed some informants, but never had a cooperating witness or undercover police agent make narcotics buys within the Capitol grounds. This inevitably limited the effectiveness of the inquiry.

4. Leads not pursued

Some leads developed in the course of the 128 C Street investigation and its aftermath were based only on speculation, rumor, or association. But others were significant.

A number of witnesses signed statements naming several Capitol Hill employees as distributors of marijuana, PCP and cocaine. Some of those implicated still work as Capitol Hill employees.

One witness signed a statement that he had purchased marijuana from a uniformed private on the Capitol Police force and been offered a purchase of marijuana by a second Capitol Police private. A second witness said that the private implicated by the first witness as having sold the first witness marijuana had also offered to sell the second witness marijuana. Two other witnesses signed statements that a third Capitol Police private purchased drugs from another Capitol Hill employee.

An informant named specific individuals as narcotics dealers in particular work centers that had been the subject of rumor about drug use in the past. This informant volunteered to make undercover buys.

The evidence obtained by the Special Counsel indicates that none of these leads was developed or followed up.

In addition, in 1981, Richardson provided the Capitol Police with information on alleged drug use within the Capitol buildings and grounds. After Richardson and Bennett complained to the Capitol Police Board about their transfers, Captain Langley was assigned to investigate any narcotics leads which they had. Langley testified that because Richardson and Bennett did not give him new information that had not been developed in the course of the 128 C Street investigation, he did not consider their leads significant and did not pursue them. He said that, on instructions from the chairman of the Police Board, he particularly asked about ongoing drug activities by members of the Capitol Police and that both Richardson and Bennett said that, at that time, they knew of none. He did not address the leads outstanding from the 128 C Street investigation itself, because, as he testified, "if it wasn't significant or important then, why should it be now?"

IV. Findings of the Special Counsel

The heart of the allegations relating to the Capitol Police is that, for some illicit reason, an active and promising drug investigation was abruptly and prematurely terminated. The allegations essentially fall into three categories:

> That the purpose of the May, 1980 reorganization of the Capitol police was to remove jurisdiction of the drug investigation from Deputy Chief Kirby, so that it could be terminated;
>
> That Sergeant Richardson was transferred for the specific purpose of putting a stop to the drug investigation;
>
> That leads developed in the course of the investigation were not properly pursued after the reorganization and the transfer of Richardson.

The Special Counsel's investigation and conclusions regarding each of these allegations is set out below.

A. THE REORGANIZATION

The creation of a new position of Deputy Chief took effect in May, 1980. This reorganization did affect the drug investigation to some degree. Prior to the reorganization, Officer Richardson had bypassed his immediate superiors to report directly to Deputy Chief Kirby. Kirby had given Richardson permission to initiate the investigation, and Richardson had established a rapport with Kirby. After the reorganization, the investigation was no longer in Kirby's jurisdiction. The new Deputy Chief, Abernathy, instructed Richardson to report through Sergeant Lockhart and Captain Xander. Richardson's colleagues reported that he was unhappy with this new development, preferring the independence from immediate supervision that he had enjoyed under Kirby. Some of Richardson's colleagues considered the new system to be an improvement, citing an insistence on long-term planning and more efficient use of resources.

The reorganization was recommended by Chief Powell and approved by the Capitol Police Board. Chief Powell testified that the reorganization was related to personnel matters and internal functioning of the Capitol Police. Capitol Police officials concerned with the reorganization, including Deputy Chief Kirby who lost jurisdiction, testified that it was unrelated to the drug investigation. The Special Counsel, while expressing no view as to the appropriateness of the reorganization, notes that the evidence suggests that problems existed within the Police Department which the reorganization could reasonably have been designed to address.

Not one witness testified that the purpose of the reorganization was to stop or obstruct the drug investigation. Richardson and Bennett implied such a link in their 1981 letter to the Capitol Police Board, but made no such allegation at their depositions. Richardson testified that he believed that the drug investigation was terminated after the reorganization out of spite for Kirby, who initially authorized the drug inquiry. But Richardson did not indicate that he thought the reorganization had been brought about for the purpose of terminating the investigation. Bennett specifically testified that he didn't know why the reorganization was ordered. He said:

"It could be because of manpower. You know, we've got more officers now that we had back then, and you're talking eleven, 1,200 officers. I guess the Chief of Police Board felt it was necessary to make another Deputy Chief. I have no idea."

Finally, all participants in the 128 C Street investigation agreed that no one ever attempted to restrict or obstruct it. Richardson testified that up until the time of his transfer, Chief Powell and Deputy Chief Abernathy had always expressed support for the investigation, and had never obstructed it in any way. Chief Powell testified that the Police Board supported the investigation. He said the Senate Sergeant-at-Arms was disappointed that the investigation did not lead to arrests for distribution, but that the Board expressed no other dissatisfaction.

Thus, there were credible reasons for the reorganization other than the drug investigation; no one testified that the reorganization was brought about for the purpose of terminating the drug investigation; and the drug investigation itself received the support of the police hierarchy, both before and after the reorganization occurred.

B. REASSIGNMENT OF RICHARDSON

It has been alleged that Officer Richardson's transfer was part of an effort to stymie the 1980 drug investigation and to block any follow-up to that investigation. Richardson was transferred over his vigorous protests that his participation in the drug investigation was necessary to its success. He came to believe that the reason for his reassignment was a desire to scuttle the drug investigation, because, as he told a colleague, he was "getting close to something."

The evidence does not indicate that Richardson's transfer was for the purpose of frustrating the investigation. In particular, the Special Counsel finds no evidence that the reassignment was ordered to prevent the discovery of drug use by persons in positions of authority or influence—e.g., Members of Congress or top staffers—the apparent "something" to which Richardson alluded.

These findings are based on three factors:

(1) There is no evidence whatsoever to suggest that, at the time of the transfer, the drug investigation was leading to any Member of Congress or professional staffer.

(2) The evidence indicates that the decision to transfer Richardson was based on his superior's assessment of personnel issues, not on a desire to curtail the investigation.

(3) The evidence indicates that Richardson's own conclusion that his reassignment was part of a cover-up rests on the failure of his superiors to discuss frankly with him the real reasons for his transfer.

Officer Bennett was also transferred, but at his own request. He testified that he requested the transfer because he believed he was not wanted in the Criminal Investigations Division. Bennett acknowledged, however, that Captain Xander, the head of the Division, asked him to stay.

1. Lack of evidence implicating persons in positions of authority

The Special Counsel's investigation uncovered evidence that there were some leads at the time of Richardson's reassignment which deserved to be pursued. However, there were never any leads involving any illegal drug activity by any Member of the House or Senate or by any professional staff member.

2. Legitimate reasons for the transfer

Richardson insists that his transfer could not have been a simple matter of routine police practice. Exceptions to the normal policy of transfer on promotion have been made in the past. He argues that there was ample reason to make an exception in his case, because his continued presence was necessary to the success of the investigation.

In fact, Richardson's superiors acknowledge that his transfer was not motivated solely by routine practice. They testified that the transfer of Richardson was a conscious personnel decision.

Chief Powell testified that he made the decision to transfer Richardson, based on the recommendation of Abernathy and the concurrence of Kirby. He testified that:

"[Abernathy] . . . felt that based on his conversation with the other members of the unit and their evaluations of Richardson's investigations, I think they felt that he overreacted and that the other members of the unit could do a more stable, intelligent, comprehensive investigation regarding whatever matters came to that unit."

Deputy Chief Abernathy testified that he recommended Richardson's transfer to Chief Powell, after consulting with Deputy Chief Kirby. Abernathy testified that he had heard from others working on the investigation that Richardson:

". . . had lost perspective of what our goals were and that he was more interested in finding anybody that had a marijuana cigarette on them, and that was easy to do because we had determined that at least in the grounds there were a lot of people smoking out there . . . they had some differences of opinion as to whether he had lost sight of what we were trying to do and had become consumed with it, that everyone was smoking marijuana and everybody ought to be locked up, and it was not progressing—it was felt that he was becoming a danger to the long-term program . . .

* * * * * * *

"He would not comply to the necessary control or the chain of command as reported by Sergeant Lockhart, and his coworkers became apprehensive about whether he had lost sight of the goals that we were interested as reported back sometime by them but more often by the sergeant.

"Question. And what goals were they?

"Answer. To determine and assess if there was distribution here and if so, where and how big and how to eliminate it.

* * * * * * *

"He started wearing bizarre clothing to relate to an undercover thing, a situation where he had worked here so long that everybody knew him. It became a joke to the people that he was watching.

"I mentioned the full frocked priest outfit with a golden cross. And, the workman's clothes and hard helmets that he was wearing with a gun sticking out where you could see it and the radio aerial sticking out.

* * * * * * *

"He had gotten off track. He had become a liability. He was an asset in the beginning because of his technical knowledge and his hard work and there is no denying that. He put in many many hours, but as it progressed he got off track, I think, and lost sight of what we were trying to do."

When asked why he recommended Richardson's transfer to the Patrol Division only two weeks after he had requested his permanent assignment to the Investigations Division, Abernathy said that his request to have Richardson, Bennett and Dirks permanently assigned to investigations was a way of opening three new personnel slots in the Investigations Division. He also testified that he was more concerned about Richardson's shortcomings as a sergeant than as a private. He testified that:

"Now as a sergeant he would be put in a supervisory position which would impact in a much more negative way and that is why the recommendation for the transfer was made."

Captain Xander, who was directly responsible for supervising Richardson, testified that he probably discussed the possibility of Richardson's transfer with Abernathy, and that he favored it:

"I had a couple of dealings with him. Just the way he conducted himself. It's hard to put my finger on it. The outlandish disguises that he was using to conduct this type of investigation. It's like he was Serpico and he was following the script for a movie. The outfits, the priest's uniform or a priest's clothing. He was wearing this clothing in the same place he was wearing a uniform before.

* * * * * * *

"I was not happy with the quality of [Richardson's] work nor the manner in which he did work. Richardson is not controllable. Therefore, especially in a vice operation, you can't have a person—you are out on your own so much. You don't have a supervisor looking over your shoulder. You are out for long periods of time, 14, maybe 15 hours. You would have to have people who he feels their judgment is good and you can trust. From the little bit that I worked with Richardson I don't think he met that criteria."

Richardson's colleagues corroborate the testimony of Richardson's superiors that they were receiving information which caused them to question his ability to direct the drug investigation. One of them testified:

"Richardson became almost blinded by the investigation. He lost all objectivity. He ate, slept, and drank the investigation. . . . I could see where he just became overdeveloped [sic] by the investigation."

The evidence developed by the Special Counsel indicates that the reason for Richardson's transfer was an assessment by his superiors of his work performance. The Special Counsel expresses no view on the merit of these judgments, but the evidence indicates that they were the basis for the transfer.

3. Lack of action and candor by Richardson's superiors

The evidence indicates that Richardson's superiors failed to take any decisive action to remedy the problems they saw, until Richardson's promotion provided them with a ready excuse to reassign him. None of his superiors discussed directly with Richardson any problems with respect to his performance even at the time of his transfer. Deputy Chief Abernathy testified:

"I complimented him, first, for his long, hard efforts and they were, and his contributions. And I took the easy way out, as I had told you before. We had discussed how Sergeant Richardson would fit as a sergeant in such an operation. It was my judgment he had lost perspective for what we were trying to do in the long term. I made a recommendation to the Chief that the standard policy of transfer upon promotion be instituted, and I discussed that with Kirby also. And it was an agreement that it would appear to be the best thing to do.

"In discussing it with Richardson, I saw no reason to unduly cause him more pain, because he was feeling pain. He had initiated through his efforts off duty to get something rolling in a narcotics area. He had met with some degree of success. And he, in my judgment, came to feel that this was his baby and that he should be rewarded for the success that had culminated in the arrest of ten individuals.

"I, therefore, was very complimentary to him, not to the point of saying that I really want to keep you but the Chief wants you to go kind of stuff. But it was a convenient thing for me that he was promoted, because he had been considered to be getting off track, as far as our long term goals, and not cooperating properly with the others that he worked with, and that was as a private."

As a matter of effective management, more frankness toward Richardson regarding the perceived problems in his investigatory work would have been advisable, both prior to and at the time of his transfer. In the absence of such candor, Richardson was understandably left to speculate that his reassignment resulted from a desire on the part of his superiors to stop his investigation, as part of a cover-up of drug activity on Capitol Hill.

In summary, the Special Counsel finds no evidence to conclude that the transfer of Richardson was itself intended to curtail the drug investigation.

C. FAILURE TO FURTHER DEVELOP OUTSTANDING LEADS

While the evidence indicates that neither the Capitol Police reorganization nor Richardson's transfer were improper, the evidence also indicates that serious lapses occurred in the months that followed the reorganization and transfer. Between April and July 1980, seven officers were taken off the drug investigation. In their place, Deputy Chief Abernathy and Captain Xander assigned one investigator, Officer Mark Herbst, to devote only part-time to review and pursue leads developed by the Richardson-Bennett group. Abernathy and Xander claimed that other demands on their resources, lack of undercover personnel, and lack of information relating to drug distribution were factors in their failure to do more to develop the drug investigation.

However, the evidence clearly indicates that significant leads had been developed, including information regarding distribution. Those leads were simply not followed up. There was no investigation of Capitol Hill employees who had been identified as possible drug suppliers. There was no effort to use potential informants produced by the Richardson-Bennett investigation, or to develop others. There was no effort to pursue the allegations contained in signed statements implicating three Capitol Police officers in illegal drug activity.

The Special Counsel recognizes that successful pursuit of these leads would not have been easy. Drug dealers and users had become cautious after the 128 C Street arrests, and further investigation would have required time. Abernathy and some investigators who worked with Richardson considered some of their sources to be unreliable. Dirks described the investigation as at a dead-end. Jarboe testified that:

"Nobody knew really what to do at that point with the names we had left over. It was at a stalemate. It was stalled and there was no reason to keep somebody on the investigation."

Everyone who worked on the investigation agreed that no real progress was likely without the assistance of undercover police officers, and undercover agents are very difficult to place. One effort to place such an officer was aborted when the officer was recognized.

The evidence indicates that the difficulty of the task and the lack of knowledge about how to proceed were factors in the department's inaction. But these problems do not excuse the lack of response. There was sufficient evidence of drug activity to require further action on the part of the Capitol Police. The leads developed by the Richardson-Bennett group demanded further investigation. The failure to pursue these leads represented an abdication by the Captiol Police of its responsibility to investigate allegations of serious violations of law within its jurisdiction.

The Special Counsel has found insufficient evidence to conclude that this failure constituted a conscious or purposeful effort to cover up evidence of wrongdoing. It is possible, of course, that the Capitol Police were not eager to investigate leads pointing to three of its own officers. On the other hand, one of the persons arrested in connection with the 128 C Street investigation was the son of a retired Capitol Police captain. The evidence also indicates that at other times the Capitol Police has disciplined and dismissed officers for drug use.

In the absence of clear evidence of a deliberate cover-up, the Special Counsel believes that any further investigation into the reasons behind the failure of the Capitol Police force to discharge its duties properly lies with the Capitol Police Board. The Board should determine why these failures occurred. And the Board should take appropriate action to assure that they will not be repeated in the future.

The Special Counsel regards the failure to pursue allegations of drug use and drug distribution by members of the Capitol Police force itself as particularly serious and troublesome. Two witnesses gave statements that named, uniformed members of the police had offered to sell and, in one instance, actually sold marijuana. Two other witnesses named a third officer as a purchaser of illegal drugs.

The failure to investigate illegal activity within the police department gravely undermines the ability of the department to carry out its functions as a law enforcement agency. Illegal activity among police officers has a corrupting influence far beyond the illegal act itself. From this perspective, the failure of Capitol Police officers to pursue allegations of illegal drug activity by its own members is inexcusable. The Special Counsel recommends that the Capitol Police Board examine with particular care the failure by the Capitol Police force to investigate allegations concerning three of its officers.

V. Destruction of Documents

The Special Counsel received allegations of two separate incidents of destruction of Capitol Police documents relating to the subject of this drug investigation. Detective Michael Hubbard of the District of Columbia Metropolitan Police testified that in early July 1982, he asked to review Capitol Police records relating to drug offenses, in connection with an investigation he was then conducting. Hubbard said he was informed at that time that some records in connection with Capitol Police drug investigations, relating to innocent people, had been destroyed. In addition, Capitol Police officers Richardson and Bennett informed the Special Counsel that they had heard that, at the time the Special Counsel requested documents from the Capitol Police in early August 1982, shredding occurred at police headquarters.

The Special Counsel has investigated both these incidents. Documents, including some related to drug investigations, were in fact shredded or discarded by Capitol Police on two or three occasions between 1980 and 1982. But the evidence is insufficient to conclude that materials of significant value to this Committee's work were destroyed.

A. THE 1980–1981 DESTRUCTION OF RECORDS

The first incidents in which documents were removed from the files occurred prior to 1982, before widespread press reports of alleged illegal drug activity on Capitol Hill, and before the Special Counsel began this investigation. The evidence indicates that materials relating to drug investigations were thrown out some time between late 1980 and late 1981. Captain Richard Xander testified that, on two occasions during this period, he threw into the trash selected records compiled in the course of drug investigations, including certain records from the drug investigation conducted by Richardson, Bennett, and their colleagues during the first half of 1980. Xander testified that he only discarded files that contained "information sheets," recording only name and identifying data such as address, birthdate and social security number. He testified that such files provided no indication why a person's name was included in Capitol Police records.

Xander admitted under oath that on one occasion he discarded records relating to Capitol Police officers and on a second occasion he destroyed such records relating to private individuals. He also admitted discarding a photograph album containing pictures of Capitol Police officers, some of whom were suspected of engaging in illegal drug activity, but most of whom were not. Xander claimed that this was a routine purging of vice files to protect individuals as to whom there was no evidence of wrongdoing.

Xander's description of the type of files discarded is corroborated by others. Sergeant Mark Herbst, who on at least one occasion assisted Xander in discarding documents, confirmed Xander's description of the records thrown out. A number of people associated with the 1980 drug investigation testified that information sheets were in fact created on individuals even when there was little or no evidence of drug activity by these persons. Testimony indicated that such information sheets contained only names and identifying data, without any indication of the reason for creating the records. Detective Elroy Shook, who participated in the 1980 drug investigation, discovered some records in question in a wastebasket after they had been removed from files and discarded. He testified that the records he saw contained only names and identifying data and no evidence of drug activity. Records turned over to the Committee included a number of such information sheets, containing no indication of their relevance to drug investigations.

Finally, and perhaps most significantly, Sergeant Richardson, who played a major role in the 1980 drug investigation, testified that he removed copies of all significant files from the 1980 investigation at the time of his transfer. He turned his own records over to the Committee. With minor exceptions, all records that Richardson provided were also turned over in response to the Committee's request to the Capitol Police.[3] Specifically with regard to its officers, the Capitol Police provided investigative records relating to all those officers about whom Richardson recalled receiving substantial evidence of illegal drug use. The Capitol Police provided the three most significant documents relating to police officers—two statements from witnesses who alleged that uniformed officers had offered to sell or had sold marijuana, and two statements alleging that a uniformed officer had purchased illegal drugs.

In sum, the Special Counsel found no evidence that Capitol Police files octnaining substantive evidence of illegal drug activity were destroyed in the incidents that occurred in late 1981 and early 1982.

This finding does not conclude the matter, however. According to Xander, he destroyed some material when he was assembling files in response to a request by the Chairman of the Capitol Police Board to review drug-related records.

Xander testified that, in late 1980 or 1981, he was instructed by the Chief of Police to collect certain drug records for Senate Sergeant at Arms Howard Liebengood, then Police Board Chairman, who wished to examine them.[4] Xander testified that he did assemble the files, but before giving them to the Chief of Police for submission to Liebengood, he destroyed information sheets relating to police officers and the book of photographs including Capitol Police suspects. Xander said that he destroyed these items in order to protect the careers of the officers involved. He claimed that these records contained no allegations or indication why the officers' names were included in the drug files, that the records should not have been created in the first place, and that they "should never . . . be shown to anyone outside of the police agency." He also described his action in purging the files in this manner as "proper police procedure."

One sheet containing only the name and identifying data of a police officer was included in the files turned over to the Special Counsel by the Capitol Police. When asked why he did not destroy all such information sheets, Xander said that in order to protect himself he had left an example of the type of files he had destroyed.

Xander testified under oath that after discarding the files, he informed Chief Powell that he had done so, and Chief Powell expressed his approval. Xander testified as follows:

"*Question.* Did you inform the Chief of Police when you turned over these records that you had removed some of them?

"Answer. Yes, ma'am.

"*Question.* Did you tell him what you had removed?

"Answer. Yes, ma'am.

"*Question.* Did he respond to that in any way?

"Answer. He concurred in my judgment."

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[3] There is some disagreement whether Richardson took files without leaving copies with the Caiptol Police. If so, this could account for discrepancies between the materials provided by Richardson and the police. In any event, the Capitol Police produced all the significant records that Richardson turned over to Committee.

[4] Other evidence indicates that Liebengood's requests to examine such records came in response to the Richardson-Bennett July, 1981 letter to the Police Board regarding their investigation.

Powell testified that Abernathy and Xander informed him that sometime in the past Xander had discarded some files containing the names of persons as to whom there was no evidence of wrongdoing. But Powell stated under oath that he had no recollection of any destruction of any documents at the time of Senate Sergeant at Arms Liebengood's request to review drug related records. Powell testified as follows:

"*Question.* Did Captain Xander ever tell you that he had destroyed or discarded some files prior to turning them over to you to show to Senate Sergeant at Arms Liebengood?

"Answer. I don't think so. He said that he had—I remember he had removed—included in the files that he had removed were some police officers also, but there was no evidence, other than just their names.

* * * * * * *

"*Question.* But do you recall being informed that any of the files had been destroyed or discarded at the time of the request to review them by Mr. Liebengood?

"Answer. I don't think so.

"*Question.* Well, as far as you know then, was Senate Sergeant at Arms Liebengood shown all of the Capitol police's narcotics files?

"Answer. I think so. Yes, ma'am. In other words, if they weren't, I didn't know about it; and I still don't. I think he was shown everything."

The Special Counsel's mandate—to investigate allegations of illegal drug activity and any cover-up of such activity—is satisfied by the conclusion that the evidence does not prove that the records in question contained substantive evidence of illegal drug activity.

However, serious questions are raised by the destruction of police records—even records relating to innocent people or records which should not have been created in the first place—by Capitol Police under orders to assemble whatever records exist at the request of and for review by the Chairman of the Capitol Police Board. Grave questions are also raised by the conflicting testimony of Lieutenant Xander and Police Chief Powell over whether Powell was informed of the destruction, and at least by implication condoned it.

In addition, the fact that some, but not all, of the documents identifying police officers were destroyed suggests the possibility of a motivation to protect certain officers out of friendship or other special concerns.

Since these issues are outside the purview of this investigation under H. Res. 12 and H. Res. 518, the Committee should refer this matter to the Capitol Police Board for review and appropriate disciplinary action.

B. THE AUGUST 1982 DESTRUCTION OF RECORDS

The evidence developed reveals a second incident in which documents were destroyed. That destruction occurred around early August, 1982, at about the time that the Special Counsel wrote Chief of Police Powell requesting documents relevant to this Committee's investigation.

Several witnesses acknowledged that documents were shredded at about the time of the Special Counsel's August, 1982 request. Witnesses with direct knowledge of the destruction testified that the documents were unrelated to the Committee's request.

Lieutenant Robert Howe testified that he had personally destroyed these documents. He testified as follows:

"*Question.* Lieutenant Howe, was there ever any time last summer or throughout the calendar year 1982 when you yourself, personally destroyed any United States [Capitol] Police documents?

"Answer. Sure, yes.

"*Question.* When did that occur?

"Answer. I can't recall the date on that. I can give you some things that were happening about that time. Bruce Johnson's reports were all on television about that time.

"*Question.* You are referring to Bruce Johnson, the reporter for television station WDVM?

"Answer. I guess that is the station. I am not sure.

"*Question.* But he is a television reporter; is that correct?

"Answer. Yes, he is.

"*Question.* And what were his reports relating to at that time?

"Answer. Drugs and sex on Capitol Hill.

"*Question.* What were the documents that you were destroying at that time?

"Answer. They were old files; five or six years old, maybe even older than that; that had been in the process of renewing and updating files these things had been placed in boxes and stored in closets, and we had run out of space, so I took some of the older files, and they were such things as morning reports; the Chief's morning reports; special operations unit recall rosters, general information that is of no worth at this point.

"*Question.* Did any of these files, documents relate to narcotics investigations or investigations relating to sexual conduct?

"Answer. No, ma'am.

* * * * * * *

"*Question.* Were you destroying these documents at anyone's instructions??

"Answer. No, I wasn't. I was just trying to create room for other things that we had to store.

"'*Question.* So did you initiate this project yourself?

"Answer. Yes, I did.

"*Question.* Did you ask anyone before you did it whether it was all right to destroy these documents?

"Answer. Not that I recall."

Officer Theresa Hanbury and Sergeant Karen Magee, who assisted Howe in shredding the documents, supported Howe's testimony that the records destroyed did not relate to the subjects of the Special Counsel's request. Officer Hanbury and Sergeant Magee gave these examples of the type of documents shredded: copies of letters of commendation from the Chief of Police to officers under his command, letters requesting and responding to requests for souvenir Capitol Police uniform patches, and requests by tradespeople for after-hours access to make deliveries in Capitol buildings complex.

Lieutenant Howe testified that Captain Michael Boyle, an aide to Chief Powell, instructed him to stop because Boyle feared that the shredding might create suspicion since it coincided with the start of this Committee's investigation.

The Special Counsel received no evidence that contradicted the evidence provided by Howe, Hanbury, and Magee.

The Special Counsel did receive hearsay innuendo that the documents destroyed might have been relevant to the Committee's investigation. These allegations appear to have the same source, Deputy Chief Kirby. When questioned under oath, Kirby did not have a basis to contradict the testimony of the three officers, and in fact denied knowledge of any shredding.

Specifically, Richardson and Bennett reported that, in early August 1982, Deputy Chief Kirby informed them that materials were being shredded in police headquarters. Here is an excerpt of Bennett's testimony:

"*Question.* Do you know anything about the destruction of shredding of any files?

"Answer. Just on hearsay.

"*Question.* All right. And could you tell us what you have heard about that.

"Answer. Just that—who was it? Captain Boyle, and, if I'm not mistaken, Deputy Chief Abernathy, and a couple of hours—two nights of shredding paperwork, once they found out they had to bring the files in for all the drug arrests for five years.

"*Question.* Now from whom did you hear that?

"Answer. From several different people.

"*Question.* And can you name any of the individuals?

"Answer. I'd rather not.

* * * * * * *

"*Question.* I am going to ask you again who told you that documents were being shredded in response to this Committee's request?

"Answer. There were several different people and some I can remember and some I cannot.

"*Question.* Who can you remember?

"Answer. I think that one was Deputy Chief William Kirby.

"*Question.* Anybody else?

"Answer. No, not to my knowledge.

"*Question.* Is that all you can recall?

"Answer. You know, rumors float around and I have heard comments from 15 or 20 different people right on down to a private. But like I say, rumors float."

Deputy Chief Abernathy testified that Kirby also told him about the shredding. Here is Abernathy's testimony:

"*Question.* Do you have any other information about destruction or discarding of files?

"Answer. There was the allegation that there were files being shredded at the time that the Committee had asked for files. I wasn't involved in that other than to inform the Chief that people were saying that and that whatever was being shredded and he assured me that it was nonrelated whatsoever, that I recommended to him that they not shred anything for the time being because allegations were being made that they were shredding files that related to what you were asking for.

"*Question.* From whom did you hear that allegations were being made that Capitol Police were shredding documents the Committee was asking for?

"Answer. Kirby.

"*Question.* OK. And what exactly did Kirby tell you about that?

"Answer. He said, the Chief better be careful. He has those people back there shredding stuff and no telling what it is, but it could be, you know, it is one of those crappy deals. That is the reason I went and told the Chief. I said, I do not care what you are shredding, you had better stop shredding because Kirby is insinuating that it is related."

In testimony to this Committee, Deputy Chief Kirby denied that he observed any shredding—late-night or otherwise—of drug investigation-related documents and denied ever telling anyone about such shredding. He testified:

"*Question.* I want you to think now specifically about those two or three weeks following this committee's request of last July or August for documents from the police department. Did you have any conversation with Sergeant Richardson around that time about the shredding of documents or other destruction of documents?

"Answer. No, at no time did I talk about shredding of particular documents to no one.

* * * * * * *

"*Question.* Did you talk about shredding of any documents in general? For example, did you remark to anyone that people had been shredding in the police department lately?

"Answer. Well, that's general. Like I just was telling you about the computer, we all kid about it, since we got those computers in the last six or eight months, how we have to shred things, and that might have been the comment, because we all have to carry it out in big bags behind the building for the trash man to pick it up afterwards.

"*Question.* I understand that the police department does a certain amount of shredding.

"Answer. Yes.

"*Question.* But did you remark to Sergeant Richardson or anyone else that there had been a lot of shredding going on?

"Answer. No.

"*Question.* Do you recall making such a remark?

"Answer. No.

"*Question.* Do you recall ever remarking that people had been shredding at the police department or at police headquarters late at night?

"Answer. No, see, because, like I say, I usually leave to go home around 5, 6 or 7 o'clock. I hardly ever am later than that now.

"*Question.* So you wouldn't know?

"Answer. No, I wouldn't know what they do in nighttime. I couldn't say, you know.

"*Question.* Particularly focusing on the period of July and August of last year, do you recall remarking to anyone that there was a lot of shredding going on——

"Answer. No.

"*Question* [continuing]. Or nighttime shredding going on at the police department?

"Answer. No."

Kirby did testify, however, that at about the time of the Committee's request for documents he overheard officers Hanbury and Magee discussing how long records should be retained before discarding them. This overheard conversation is consistent with reports of Howe, Hanbury and Magee that they destroyed records which were several years old, as a matter of routine.

It is likely that Kirby, who had no independent knowledge of what materials were being shredded, is responsible for initiating the rumor that documents were destroyed at the time of the Special Counsel's request, with the implication that the destroyed documents were related to that inquiry. There is serious doubt about the credibility of Kirby's testimony denying awareness of the shredding and denying that he told anyone about it. Abernathy, Richardson and Bennett said that Kirby informed them of the shredding. It is significant that Richardson and Bennett, who expressed preferences for working for Kirby as opposed to Abernathy, in this instance corroborated the testimony of Abernathy rather than Kirby.

The timing of the document shredding is obviously suspicious. However, the evidence reveals only innuendo to suggest that the shredding by Howe and his colleagues was other than what they claimed—the elimination of old documents unrelated to this drug investigation to create space for more recent records.

Here again, the Special Counsel's mandate is limited to the investigation of illegal drug activity and the cover up of the investigation of such activity. Conflicts in testimony involving Deputy Chief Kirby, Deputy Chief Abernathy, Sergeant Richardson and Officer Bennett raise questions beyond the scope of this investigation, which should be referred to the Capitol Police Board for appropriate disciplinary action.

VI. THE FUTURE OF DRUG ENFORCEMENT ON CAPITOL HILL

The evidence obtained during this investigation demonstrates that, during the period examined, the Capitol Police did not have the capacity to conduct a serious investigation of allegations that criminal drug laws were being violated on Capitol Hill. The response of the Capitol Police to evidence of illegal drug activity within its jurisdiction falls far short of what should be expected of a professional police force.

The Capitol Police Board, the congressional leadership, and ultimately the Congress itself must consider what the role of the Capitol Police should be. The Capitol Police are among the 30 largest police forces in the nation. Are the Capitol Police to function merely as a protective force, similar to private security services, solely to protect Members of Congress, Congressional employees and Capitol buildings and grounds? Or are they to perform all the functions of a typical police force, including investigating any criminal act or allegation of criminal activity occurring within their jurisdiction? Defining the proper Capitol Police function—and the attendant oversight of that activity—within a national legislative community and enclave is neither simple nor easy. Nor is it the responsibility of the Special Counsel or the Committee on Standards of Official Conduct.

But this investigation plainly reveals serious shortcomings of the Capitol Police in the area of criminal investigations. Two choices exist:

The Capitol Police could strengthen their own capacity. Such an effort would require the Capitol Police Board and the congressional leadership to make a searching review of the personnel and practices of the Capitol Police with respect to criminal investigations, including drug investigations, with a view to making sweeping changes. Such changes would have to be accompanied by a clear mandate to pursue criminal investigations with the same vigor applied to Capitol Police protective functions, and a system of oversight to protect individual rights and institutional interests.

Alternatively, the Capitol Police Board could delegate responsibility for drug and other criminal investigations requiring more than routine action to another law enforcement agency. It appears that the Capitol Police Board has the authority to do this, pursuant to its authority under 40 U.S.C. § 212a to authorize the Metropolitan Police to make arrests on and police the Capitol grounds. But this is a delicate decision, involving constitutional relationships among branches of government, and it requires the attention of the leadership of both Houses.

The Special Counsel expresses no view on which alternative, or variations, should be chosen, but recommends that the Committee refer this matter to the leadership of the House and Senate. The Capitol Police force is composed of hundreds of dedicated and committed individuals. These men and women serve the House and Senate with dignity, pride and a deep sense of responsibility. They are entitled to have their mission clearly defined and to be properly trained to fulfill that mission.

Respectfully submitted.

JOSEPH A. CALIFANO, Jr.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., November 16, 1982.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: House Resolution 518, which was passed by the House on July 13, 1982, authorized this Committee to conduct an investigation of alleged improper or illegal sexual conduct by Members, officers, or employees of the House and of alleged illicit use or distribution of drugs by Members, officers, or employees of the House. In addition, H. Res. 518 authorizes the Committee to include within the scope of its inquiry any matters "relevant to discharging its responsibilities pursuant to [H. Res. 518] or the Rules of the House of Representatives."

The Committee has received allegations that two investigations conducted by the U.S. Capitol Police into matters that fall within the scope of H. Res. 518 may have been prematurely terminated.

First, in early 1980 the Capitol Police conducted an investigation into drug activity among certain Hill staff which resulted in the arrest of several lower level Senate employees for the use of marijuana. This Committee has received allegations from officers involved with that investigation that information was developed at that time concerning possible use or distribution of illicit drugs by personnel of the House of Representatives. According to the allegations made to the Committee, this information was not properly pursued at the time. Second, the Capitol Police conducted an investigation in January and February of 1982 into the events surrounding the discharge of a House page. Questions have also been raised as to whether the January-February 1982 investigation was properly pursued.

At this time, we have no basis whatsoever to assess the accuracy or inaccuracy of these allegations. Neither the Special Counsel to this Committee nor the Committee has reached any conclusions as to whether these allegations have merit or not. This Committee has concluded, however, that the Committee should investigate these allegations as part of its responsibilities under H. Res. 518. In particular, this Committee feels obliged to investigate: (1) whether the conduct of the employees of the House who serve as Capitol Police officers violated any law or applicable standard of conduct with respect to matters covered by H. Res. 518; and (2) whether the Capitol Police have information that bears on the matters covered by H. Res. 518.

The jurisdiction of this Committee extends only to the conduct of Members, officers, or employees of the House of Representatives. The Capitol Police are supervised by the Capitol Hill Police Board, consisting of the Sergeant at Arms of the House of Representatives, the Seregant at Arms of the Senate, and the Architect of the Capitol. The Capitol Police have approximately 1200 officers. Approximately 650 of these officers are employees of the House of Representatives; approximately 550 are employees of the Senate.

The investigation which this Committee believes is necessary will entail review of the conduct of Capitol policemen who are employees of the Senate. Further, any such investigation may uncover evidence bearing on the conduct of other employees of the Senate. In any event, such an investigation into the Capitol Police conduct of the two investigations identified above will require questioning Senate employees, and may also require examination of documents in the possession of Senate employees or Senate offices. Because these matters are outside the jurisdiction of our Committee, we would like to establish a joint cooperative arrangement with the Senate that will allow the investigation to proceed while respecting the jurisdiction of the House and of the Senate.

We are prepared to work with the Senate in whatever way would be appropriate. We are also prepared to carry out the investigation utilizing our Special Counsel's investigative staff and to report to the Senate and the Senate Select Committee on Ethics any information that we acquire bearing on matters that fall within the Senate's jurisdiction.

Please let me know how the Senate would like to proceed on this matter.

Sincerely,

LOUIS STOKES,
Chairman.

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U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., November 23, 1982.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I have received your letter in which you request that the Senate and the House devise a working relationship that would respect the jurisdiction of both houses in order to investigate the U.S. Capitol Police conduct of two previous investigations.

In light of the allegations that your Committee has received, the Senate agrees that the investigation which you propose should be carried out. As you recognize, the Senate and the Senate Select Committee on Ethics have exclusive jurisdiction with respect to the conduct of officers and employees of the Senate. Under the circumstances of this case, however, it would be difficult and counterproductive to initiate separate House and Senate investigations into the matters you have identified.

We believe the arrangement that would best serve the interests both of the House and Senate would be for your Committee to pursue the the investigations you outlined, utilizing the investigative resources of your Special Counsel's office. For this purpose, the office of your Committee's Special Counsel may question employees of the Senate and request documents of Senate employees and offices relative to Capitol Police conduct of the two investigations in question.

To the extent that the investigation develops any information bearing on conduct of employees of the Senate, such information should be forwarded to Senator Malcolm Wallop, Chairman of the Select Committee on Ethics; Senator Howell Heflin, Ranking Minority Member of that Committee; and to me.

It is my understanding that this arrangement is acceptable to your Committee. Thank you for your cooperation in this matter.

Sincerely,

HOWARD H. BAKER, JR.

○

APPENDIX "C"

House Calendar No. 69

98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 98–297

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

ON THE INQUIRY UNDER HOUSE RESOLUTION 12

98TH CONGRESS, 1ST SESSION

JULY 14, 1983.—Referred to the House Calendar and
ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
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COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

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HANK BROWN, Colorado
JAMES V. HANSEN, Utah

JOHN M. SWANNER, *Staff Director*
JOSEPH A. CALIFANO, Jr., *Special Counsel*
RICHARD COTTON, *Deputy Special Counsel*

EXHIBIT A

July 14, 1983
HAND DELIVERED

Joseph A. Califano, Jr., Esq.
Special Counsel
U.S. House of Representatives
Committee on Standards of
  Official Conduct
Washington, D.C.

Dear Mr. Califano:

I am writing as attorney for Congressman Gerry E. Studds to inform you that Congressman Studds does not contest the fact of a sexual relationship with a page in 1973 and sexual advances to two other pages in 1973. He waives his right to a statement of alleged violation in connection with these facts and also waives his right to a public hearing before the Committee and agrees that the Committee may act on the basis of the report of its special counsel, the personal statement of Representative Studds, and the statements of his counsel and our letters in his behalf to the Committee.

This letter further records the fact that I have not read the report of special counsel but have relied upon statements made by you to me concerning its contents in our conversations of today.

Very Truly Yours,

Morris M. Goldings, Esq.

ADDENDUM TO

House Report No. 98-297

With respect to the matter of Representative Studds, the Special Counsel's Final Report to the House Committee on Standards of Official Conduct on the Investigation into Allegations of Improper or Illegal Sexual Conduct ("report") at Section VII C 2 recommended a statement of alleged violation. As reflected at pp. 73-78 of the report, the Special Counsel made this recommendation at a time when Representative Studds stated that he did not wish to waive his right to a statement of alleged violation and a public hearing.

Subsequent to the filing of the report with the Committee, but prior to the Committee's taking action, Representative Studds agreed to the special procedure described at pp. 56 and 57 of the report in reference to Representative Crane. Once Representative Studds (through his attorney's letter attached as Exhibit A) agreed to this procedure and stated that he "does not contest the fact of a sexual relationship with a page in 1973 and sexual advances to two other pages in 1973", the Special Counsel recommended (1) that the Committee adopt the procedure and (2) that the Committee recommend that the House reprimand Representative Studds. The Committee acted on these recommendations.

98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 98-297

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 12 CONCERNING ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

JULY 14, 1983.—Referred to the House Calendar and ordered to be printed

Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

On July 13, 1982, the House agreed to House Resolution 518, 97th Congress. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

On July 27, 1982, this Committee retained Joseph A. Califano, Jr. as Special Counsel to conduct the investigation. The Committee's Special Counsel thereafter assembled a staff and has carried out an extensive investigation.

The Special Counsel has today filed his final report with this Committee on his investigation into alleged improper or illegal sexual conduct involving congressional pages by Members, officers, or employees of the House. The Committee has approved his report, and it is attached as an Appendix to this Report.

1. FINDINGS BY SPECIAL COUNSEL

With the full support and encouragement of this Committee, the Special Counsel carried out an exhaustive investigation into all allegations received by the Committee of sexual misconduct by Members, officers, or employees of the House involving pages. The Special Counsel has reported to this Committee that he has found no evidence whatsoever of widespread improper or illicit sexual conduct by Members, officers, or employees of the House involving congressional pages. The Special Counsel has reported that the evidence he has developed in the course of his investigation showed time and again that allegations and rumors of misconduct were the product of gossip or even out-and-out fabrication. The Special Counsel reported that several central findings dominated his investigation:

First, he received no credible evidence of sexual misconduct involving congressional pages by Members, officers, or employees of the House during the period July, 1981 to June, 1982. This was the time period involved in the original highly publicized charges of sexual misconduct that prompted the House to direct this Committee to carry out an investigation.

Second, as detailed in the Special Counsel's interim report of last December, the evidence he obtained showed that there was "no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages" Leroy Williams and Jeffrey Opp, whose sensational charges received such publicity a year ago.

Third, during the course of his investigation, the Special Counsel obtained evidence of three cases of improper sexual conduct involving pages that occurred earlier than the 1981–1982 time period which was the focus of the original allegations and of the investigation conducted by the Committee and by the Special Counsel. Two of these cases involve conduct that occurred in 1980. One case involves conduct that occurred in 1973.

Fourth, with the exception of the three cases, his investigation uncovered no evidence at all to support any of the allegations of improper sexual conduct involving congressional pages or preferential treatment received by the Committee and investigated by the Special Counsel. To the contrary, the Special Counsel reported that, in all but the three cases, the evidence he developed showed conclusively that these allegations were not true or that there was no credible basis for the allegations.

The Special Counsel has reported to the Committee that he obtained evidence in three cases of improper or illegal sexual conduct involving pages by two Members of the House and one employee of the House. The incidents in question occurred between three and ten years ago. Specifically, the Special Counsel reported that he had obtained evidence that:

Representative Daniel B. Crane engaged in a sexual relationship with a 17-year-old female page in 1980.

Representative Gerry E. Studds engaged in a sexual relationship in 1973 with a 17-year-old male page (who may have been 16 when the relationship began); and made sexual advances in 1973 to two other male pages, one who was 16 or 17 years old at the time, the other 17 years old.

James Howarth, Majority Chief Page in the House Doorkeeper's Office, with supervisory responsibilities over pages, engaged in a sexual relationship with a 17-year-old female page in 1980 who was at the time under his direct supervision, and gave her preferential treatment. The Special Counsel also reported to the Committee that there is evidence that Mr. Howarth purchased cocaine in the House Democratic Cloakroom in 1980.

II. RECOMMENDATIONS BY THE SPECIAL COUNSEL AND ACTION BY THE COMMITTEE

A. REPRESENTATIVE CRANE

In this case, Representative Crane has admitted the essential facts found by the Special Counsel, waived his right to a statement of alleged violation and to a public hearing before the Committee and agreed that the Committee could act immediately on the basis of the Special Counsel's report and statements submitted to the Committee by Representative Crane's attorney. For the reasons set out in his report, the Special Counsel recommended to the Committee (a) that the Committee find that Representative Crane's consensual sexual relationship in 1980 with a female page employed by the House of Representatives constituted a violation of clause 1 of the Code of Official Conduct of the House of Representatives and (b) that the Committee recommend that the House reprimand Representative Crane. The Committee has voted to follow the recommendation of the Special Counsel. The Committee's action in this matter is set out in a separate report, In the Matter of Representative Daniel B. Crane, Rpt. No. 98-296.

B. REPRESENTATIVE STUDDS

In this case, Representative Studds has admitted the essential facts found by the Special Counsel, waived his right to a statement of alleged violations and to a public hearing before the Committee and agreed that the Committee could act immediately on the basis of the Special Counsel's report and statements submitted to the Committee by Representative Studds and his attorneys. For the reasons set out in his report, the Special Counsel recommended to the Committee (a) that the Committee find that Representative Studds' consensual sexual relationship in 1973 with a male page, and his sexual advances to two other male pages in 1973, all of whom were employed by the House of Representatives, constituted violations of clause 1 of the Code of Official Conduct of the House of Representatives, and (b) that the Committee recommend that the House reprimand Representative Studds. The Committee has voted to follow the recommendation of the Special Counsel. The Committee's action in this matter is set out in a separate report, In the Matter of Representative Gerry E. Studds, Rpt. No. 98-295.

C. EMPLOYEE HOWARTH

With respect to employee Howarth, the Special Counsel recommended that the Committee initiate disciplinary proceedings against him and vote to transmit to him a statement of alleged violation. Based on the Special Counsel's recommendation, the Committee voted to transmit the statement of alleged violation. The Committee will now conduct the proceedings specified in the Committee's rules, and it will report to the House on this case at the conclusion of those proceedings.

Statement Under Clause 2(b) of Rule X

The Committee's oversight findings and recommendations are as stated above.

No budget statement is submitted.

This report was adopted by a show at hands, 11 yeas, 1 nay, on July 14, 1983.

APPENDIX

FINAL REPORT OF THE SPECIAL COUNSEL TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON THE INVESTIGATION INTO ALLEGATIONS OF IMPROPER OR ILLEGAL SEXUAL CONDUCT UNDER H. RES. 518, 97TH CONGRESS, AND H. RES. 12, 98TH CONGRESS

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I. INTRODUCTION AND SUMMARY

A. BACKGROUND OF THE INVESTIGATION

On July 13, 1982, the House of Representatives, by a 407 to 1 vote, passed House Resolution 518, which authorized and directed the Committee on Standards of Official Conduct to "conduct a full and complete inquiry and investigation" into allegations of:

> (1) improper or illegal sexual conduct by Members, officers, or employees of the House;
>
> (2) illicit use or distribution of drugs by Members, officers, or employees of the House; and
>
> (3) the offering of preferential treatment by Members, officers, or employees of the House in exchange for sexual favors or drugs.

H. Res. 518, 97th Cong., 2d Sess. (1982).

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment is required and to advise the Committee of his findings and recommendations.

The Speaker, the Majority Leader, and the Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member, Floyd Spence, in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made." On January 3, 1983, the House agreed to House Resolution 12, 98th Cong., 1st Sess., which authorized and directed the Committee to continue and complete the investigation begun pursuant to H. Res. 518.

This is the final report of the Special Counsel concerning allegations of improper or illegal sexual conduct. This report, together with the Special Counsel's Interim Report of December 14, 1982 (attached as Appendix A), details the complete results of the investigation into allegations of sexual misconduct. It responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations. This report sets out (1) the investigative work completed with respect to allegations involving sexual misconduct, (2) the findings and conclusions of the Special Counsel regarding this work, and (3) the recommendations of the Special Counsel on actions the Committee should take.

The Special Counsel recommends that the Committee make this report public.

Pursuant to H. Res. 518 and H. Res. 12, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives over the three year period from September, 1979 to August, 1982. The Special Counsel also investigated allegations of illegal or improper sexual conduct involving pages occurring before this time period which were brought to his attention.

The investigation carried out by the Special Counsel and this Committee sought out hundreds of past and present congressional pages, dozens of individuals who supervised and taught those pages, hundreds of congressional staff members, and many other individuals with knowledge of the page system. In all, the Special Counsel's office has conducted some 700 interviews, taken more than 125 depositions covering more than 6,000 transcript pages, tried to contact every House page who served since September, 1979 and dozens who served earlier, travelled almost 100,000 miles to more than 50 cities, and devoted more than 50,000 hours of staff time to the investigation.

For the overwhelming majority of pages, their work in the House of Representatives ranks as one of the most important and rewarding experiences of their lives. The Special Counsel can report to this Committee, to the House, and to the Nation that he has found no evidence of widespread improper or illegal sexual conduct by Members, officers, or employees of the House involving congressional pages. The evidence developed in the course of this investigation has shown time and again that allegations and rumors of misconduct were the product of teenage exaggeration, gossip or even out-and-out fabrication that was often repeated mercilessly in a political capital that thrives on rumor.

In truth, the House as an institution can be rightfully proud of the experience it has provided to thousands of American youngsters who have served as pages over the years.

B. SUMMARY OF FINDINGS

Three central findings dominate the exhaustive investigation carried out by the Special Counsel.

First, the Special Counsel received no credible evidence of sexual misconduct by Members, officers or employees of the House of Representatives involving congressional pages during the 1981–82 time period involved in the original charges that prompted this investigation.

Second, as detailed in the Special Counsel's Interim Report of last December, the evidence obtained showed there was no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages, Leroy Williams and Jeffrey Opp, whose sensational charges received such intense publicity a year ago.

With the exception of three cases, the investigation uncovered no evidence to support the dozens of allegations that the Committee received concerning improper sexual conduct involving congressional pages or of preferential treatment of congressional pages in exchange for sexual favors. To the contrary, with the three exceptions, the evidence showed conclusively that these allegations were not true, or there was no credible basis for them.

The improper sexual conduct which the Special Counsel has uncovered took place between three and ten years ago. Two current Members of the House and one current employee were involved in separate incidents. The evidence obtained indicates that these were isolated instances, not typical of Members of the House of Representatives, or its employees. During the ten year period in which these incidents occurred, or are alleged to have occurred, more than 850 men and women have served as Members of the House; more than 60,000 employees have worked in the House.

At a time when confidence in many of our government institutions is low, each of us has a particular responsibility to be precise and accurate when discussing allegations of misconduct by public officials. When improper behavior occurs, it should not be understated or excused. It must be rooted out vigorously, promptly and publicly. But discovery of improprieties by a few, should not be allowed unjustly to sully the reputations of their colleagues, who labor long and hard for the public interest.

Speaking as the Special Counsel who carried out the investigation, I believe it is clear that the House of Representatives as an institution has been vindicated by this investigation. The investigation developed no evidence of any widespread sexual misconduct involving pages, and no evidence of sexual relationships by Members with pages involving preferential treatment.

The House of Representatives has discharged fully and completely its constitutional duty to police itself. This investigation has been searching and exhaustive. There have been no holds barred. The necessary resources have been provided. The bipartisan House leadership and Committee members have supported without qualification a thorough and independent investigation of these matters. Rarely has an institution in our democracy subjected itself to such a penetrating ordeal. The evidence of three cases involving sexual misconduct should be seen in that perspective.

The evidence of improper or illegal sexual conduct involving pages indicates that this conduct took place between three and ten years ago. In the instance involving sexual relationships, the pages involved have testified that the relationships were consensual. The Special Counsel has obtained evidence that:

Congressman Daniel B. Crane engaged in a sexual relationship with a 17-year-old female page in 1980.

Congressman Gerry E. Studds engaged in a sexual relationship in 1973 with a 17-year-old male page (who may have been 16 when the relationship began); and made sexual advances in 1973 to two other male pages; one was 16 or 17 years old at the time, the other was 17 years old.

James C. Howarth, Majority Chief Page in the House Doorkeeper's Office, who had supervisory responsibilities over pages, engaged in a sexual relationship with a 17-year-old female page in 1980 who was at the time under his direct supervision, and gave her preferential treatment. There is also evidence that Mr. Howarth purchased cocaine in the House Democratic cloakroom during the period January, 1979 to December, 1980.

C. CONGRESS SPECIAL RESPONSIBILITY TO ITS PAGES

The legislative history of House Resolution 518, as well as the legislative history of other House actions involving pages, reflects a recognition by the House of the special responsibility the House has in relation to its pages. This legislative history clearly establishes that the House of Representatives has a special relationship, analogous to in loco parentis, to the teenage pages it employs. As the Doorkeeper of the House has testified, the pages are the "wards" of the House.

Under these circumstances, a sexual relationship between a Member of the House and a teenage House page, even if consensual, constitutes a breach of the official obligatioans of a Member of the House. A sexual relationship between a page supervisor and a page under that supervisor's authority constitutes a serious violation of the fiduciary duty such a supervisor owes to his teenage charges.

Any such sexual relationships are precisely the type of improper sexual conduct covered by H. Res. 518 and H. Res. 12 and constitute a violation of clause 1 of the Code of Official Conduct of the House of Representatives, which states:

> A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

D. JURISDICTION OF THE HOUSE OVER CONDUCT OCCURRING IN A PRIOR CONGRESS

It is clear that the House has jurisdiction over matters occurring in prior Congresses. In House Report No. 351, 96th Congress, 1st Session, pp. 3–5, the Committee most recently set forth its jurisdiction to recommend disciplinary action for conduct occurring in previous Congresses. The House subsequently adopted the Committee's recommendations contained in this report, and during the 96th Congress, censured Representative Charles C. Diggs, Jr., for conduct which occurred during the 93rd, 94th and 95th Congresses. In House Report No. 930, 96th Cong., 2d Sess. 121–124 (1980), the Committee determined that statutes of limitations and the principle of laches are not applicable to congressional disciplinary proceedings. The House concurred in this judgment by adopting in 1980 a resolution of censure against Representative Charles H. Wilson, for conduct which occurred eight and nine years earlier, in 1971 and 1972. 126 Cong. Rec. H4708 (daily ed. June 10, 1980).

E. SUMMARY OF RECOMMENDATIONS

Based on the evidence, it is may responsibility as Special Counsel to recommend that the Committee take action with respect to the conduct of Representative Crane, Representative Studds and Mr. Howarth.

Existing Committee rules provide for the issuance of a Statement of Alleged Violation by the Committee. Following the issuance of such a Statement, the Committee establishes a timetable for motions and briefs by counsel and for a public hearing with testimony and cross-examination of witnesses. But Section 8 of H. Res. 518, 97th

Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate."

The matters presently before the Committee involve questions of great sensitivity for everyone, particularly the former pages involved, if there are extended public proceedings. Under Section 8 of H. Res. 518 and based on this consideration, the Special Counsel recommended to the Committee that it adopt special procedures if any respondent did not wish to contest the factual findings of the Special Counsel and was willing to waive his rights to a Statement of Alleged Violation and to a public hearing. Under these special procedures the Committee would act on the basis of the Special Counsel's report and the statement made by the respondent to the Committee. The Special Counsel's report and the respondent's statement, if any, would be made public at the time the Committee acts.

Representative Daniel Crane elected to follow this special procedure. He has admitted having a sexual relationship with a 17-year-old female page in 1980. He has waived a formal Statement of Alleged Violation and a public hearing before this Committee. He has agreed that the Committee may act in his case on the basis of the statements to the Committee by his counsel and the report of the Special Counsel. The Special Counsel recommends that the Committee find that Representative Crane has engaged in improper sexual conduct and has violated clause 1 of the Code of Official Conduct by failing to "conduct himself * * * in a manner which shall reflect creditably on the House of Representatives", and vote to recommend that the House of Representatives reprimand Representative Crane for this violation.

Representative Studds and Mr. Howarth have not waived their rights to a Statement of Alleged Violations and a public hearing. In their cases, the Special Counsel recommends that the Committee issue the Statements of Alleged Violation attached as Appendices B (Representative Studds) and C (Mr. Howarth).

The balance of this report describes:

The nature and scope of the investigation conducted by the Special Counsel;

The legal standards applied by the Special Counsel;

The cases against Representative Crane, Representative Studds and Mr. Howarth; and

Allegations of sexual misconduct, investigated by the Special Counsel since the Interim Report of December 14, 1982, that have proved groundless.

II. THE INTERIM REPORT OF THE SPECIAL COUNSEL

On December 14, 1982 the Special Counsel submitted an Interim Report to the Committee detailing, as of that date, the results of his investigation of allegations of improper or illegal sexual conduct. H.R. Rep. No. 965, 97th Cong., 2nd Sess., Appendix A (1982), attached at Appendix A to this report.

In the Interim Report, the Special Counsel found "no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages," Leroy Williams and Jeffrey Opp. Appendix A, p. 6. The Special Counsel affirmatively concluded "that the evidence conclusively indicates that all charges of sexual misconduct made by these two pages were false." Id.

In the Interim Report, the Special Counsel noted, however, that several instances of possible sexual misconduct involving pages or preferential treatment remained under investigation, and recommended that the Committee transmit the remaining matters to the 98th Congress so that the investigation could be completed. The Special Counsel's Interim Report summarized the status of the investigation:

> Not all of the allegations of sexual misconduct received by the Special Counsel have yet been fully investigated, however. In one case, the Special Counsel has recommended that a Preliminary Inquiry be initiated by the Committee, and the investigation of this case is continuing. The Special Counsel also continues to investigate a limited number of other allegations of sexual misconduct. No details will be provided at this time on any of the matters still under investigation. Id. at 23.

Based on the Special Counsel's recommendations, the Committee voted (a) to initiate a Preliminary Inquiry regarding alleged sexual misconduct by Mr. Howarth, and (b) to transmit all materials in the Preliminary Inquiry and other matters still under investigation to the 98th Congress with a recommendation that these matters be completed as promptly as possible in that Congress. House Resolution 12 of the 98th Congress, passed on January 3, 1983, authorized the Committee to continue the inquiry and investigation begun under by H. Res. 518.

This Final Report now provides the results of the rest of the Special Counsel's investigation, pursuant to H. Res. 518, 97th Congress, and H. Res. 12, 98th Congress, with respect to allegations of improper or illegal sexual conduct by Members, officers, or employees of the House.

The findings and recommendations of the Special Counsel with respect to the continuing investigation of allegations of illicit use or distribution of drugs by Members, officers, or employees of the House will be set forth in a separate report.

III. Scope of Investigation Involving Sexual Misconduct

A. LANGUAGE AND LEGISLATIVE HISTORY OF HOUSE RESOLUTION 518

The Special Counsel has taken the language and legislative history of H. Res. 518 as the guide in determining the proper scope of the investigation involving sexual misconduct.

Section 1 of H. Res. 518 directs the Committee to investigate "alleged improper conduct referred to in this resolution which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies. * * *"

The conduct "referred to in this resolution" is the conduct described in the "Whereas" clause of the resolution, specifically,

> (1) alleged improper or illegal sexual conduct of Members, officers, or employees of the House;
>
> * * * and
>
> (3) the offering of preferential treatment by Members, officers, or employees to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) * * *

The resolution also provided that the "scope of the inquiry and investigation may be expanded by the Committee to extend to any matters relevant to discharging its responsibilities pursuant to this resolution or the Rules of the House of Representatives."

The discussion of H. Res. 518 on the House floor on July 13, 1982, leaves no doubt that the "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" referred to conduct involving pages.

The resolution was introduced by Chairman Louis Stokes and Ranking Minority Member Floyd Spence on July 13, 1982, in the aftermath of reports of sexual misconduct involving pages. Chairman Stokes explained that, on July 1, he had instructed the staff of the Committee "to commence a thorough investigation of the allegations as reported by the media at that time." 128 Cong. Rec. H4012 (daily ed. July 13, 1982). He urged passage of the resolution to enable the Committee to "proceed in an orderly fashion in pursuing this investigation." Id.

Representative William Alexander, who spoke in favor of the resolution, referred to "allegations of scandal . . . levied against the Members of Congress as well as the pages who assist them." Id. at H4035. He then quoted from a letter he had received from a former page, stressing the page's hope that "the Congress will take speedy action to restore the honor, dignity, and pride that pages enjoy who have served in the Congress." Id.

Representative Margaret Heckler, who urged the appointment of a special prosecutor to investigate the allegations, stated:

> We are dealing here with entirely new and far more sensitive areas of abuse of power if the allegations are true. I think we have a responsibility *to the young people who are the pages*, to our service in this Congress, and to the people of America, to the parents, to the Congress itself, to deal with the sensitivity of this situation so as to inspire confidence in the integrity of this Congress.

Id. at H4036 (emphasis added).

The resolution's reference to conduct "which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies" reinforces the conclusion that the sexual misconduct to be investigated involved congressional pages. In the area of sexual misconduct, the "recent investigation" by the Department of Justice and the Federal Bureau of Investigation concerned allegations about misconduct of House Members and employees involving pages. In addition, the United States Capitol Police had conducted an investigation in February, 1982, which also focused specifically on House pages.

The intended meaning of H. Res. 518 appears clear. The references to "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" are directed at sexual misconduct involving pages.

The first phase of the Special Counsel's investigation focused on the period from July, 1981, to June, 1982,[1] and on allegations by two former pages that received national press attention beginning on June 30, 1982. To insure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods.

Finally, H. Res. 518 refers to "Members, officers, or employees" of the House. In keeping with this language and the tradition of the Committee, the scope of the investigation has not extended to allegations concerning former Members, officers, or employees.

B. DEFINITION OF SEXUAL MISCONDUCT

In recognition of the special situation and vulnerability of congressional pages, the Committee and its Special Counsel have broadly defined "improper sexual conduct" in determining whether particular allegations involving pages should be investigated.

House pages are generally high school juniors and seniors, between 16 and 18 years of age. By statute, they cannot be appointed until their parents or legal guardians have been fully informed of the nature of their work, pay and working conditions, and the housing accommodations available to them.[2]

Because of their young age, on a number of occasions the House has considered discontinuing the use of high school teenagers as pages. For example, the Legislative Reorganization Act of 1970, Pub. L. 91–510, 84 Stat. 1198 (1970), as originally introduced, would have barred the appointment of pages who had not yet completed the twelfth grade of their secondary school education. 116 Cong. Rec. H32,229 (1970). Among the reasons commonly offered for using older pages is the desirability of minimizing or eliminating Congress's supervisory responsibility for pages. See e.g., Speaker's Commission on Pages, Report to the Speaker, 97th Cong., 2d Sess. 7 (1982); H. Rep. No. 91–1215, 91st Cong., 2d Sess. 2930 (1970).

Congress plainly accepts a considerable responsibility for pages. That responsibility is necessarily shared by every Member, officer and employee of the House. Where preferential treatment is, expressly or implicitly, an element of a sexual relationship between a Member, officer or employee and a page, or an element of a sexual overture or advance directed at a page, the conduct explicitly falls within H. Res. 518. But considering the young age of these pages and the facts that they are away from home and dependent on the House for school, work and money to live on, any sexual advance or relationship of any kind involving a page and a Member, officer or employee potentially entails an element of either preferential treatment or coercion, and hence an abuse of office or position.

As set forth in the Interim Report of December 14, 1982, approved by the Committee, the investigation has, therefore, proceeded on the assumption that any sexual relationship, whether homosexual or heterosexual, between a page and a Member, officer or employee, or any sexual harassment, overture or advance directed at a page by a Member, officer or employee, should be investigted as potentially "improper sexual conduct" under H. Res. 518.[3]

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[1] This time period covers the terms of service of virtually all the pages whose employment overlapped with that of the two pages whose charges were reported in news broadcasts on June 30, 1982 and July 1, 1982.

[2] 2 U.S.C. § 88b–1(a)(2).

Where the Special Counsel came across evidence of possibly impropr sexual misconduct not involving pages and not within the scope of H. Res. 518, he has turned that material over to the Committee for whatever action it considers appropriate, because such conduct was outside the scope of H. Res. 518.

C. ALLEGATIONS INVOLVING THE SENATE

In some instances, the Special Counsel has received information bearing on Members, officers, or employees of the Senate. The Special Counsel has not investigated these matters because the jurisdiction of the Committee runs only to the House. At the direction of the Committee, and in accordance with an agreement between the Committee Chairman and Senate Majority Leader Howard Baker, the Special Counsel has referred all such information to the Select Committee on Ethics of the U.S. Senate. The letters setting forth the agreement are set forth in Appendix D of this reeport.

IV. HOW THE INVESTIGATION WAS CONDUCTED

A. APPOINTMENT OF THE SPECIAL COUNSEL AND STAFFING OF THE SPECIAL COUNSEL'S OFFICE

Shortly after Chairman Stokes and Ranking Minority Member Spence announced the appointment of Joseph A. Califano, Jr., as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518, Mr. Califano assembled the staff of the Special Counsel's office. In staffing the office, as throughout the investigation, the pledges of independence were unequivocably supported by the Democratic and Republican House leadership. The staff of the Special Counsel's office has averaged nine lawyers, seven investigators, three researchers and six clerical employees.

B. CHARACTERISTICS OF THE INVESTIGATION

Since July 27,1982, the Special Counsel has attempted to investigate every specific allegation[4] that has come to his attention concerning the subject matter of H. Res. 518 and H. Res. 12. In addition, the Special Counsel's office undertook wideranging efforts to contact individuals who might have information bearing on the subject matter of the investigation.

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[3] It has been suggested that H. Res. 518 meant to restrict the Committee's investigation of alleged sexual misconduct involving Congressional pages *exclusively* to those individual cases that were in fact investigated by the Department of Justice in its 1982 investigation in this area. The Special Counsel has been unable to detect any indication in the legislative history or the text of H. Res. 518 that would support such a restrictive and crabbed interpretation. First, it would be anomolous for the House to abdicate its Constitutional responsibility to discipline its Members—which differs significantly from the Justice Department's duty to enforce the criminal law—by limiting the Committee's investigation to the specfic case under review by Justice. Second, the language of H. Res. 518 does not support such a narrow reading. H. Res. 518 directs the Committee to investigate "alleged improper *conduct* referred to in this resolution which has been the subject of investigations by the Department of Justice . . ." (emphasis added). By referring generally to "conduct" and not to "case of improper conduct," H. Res. 518 identified a subject matter to be investigated—namely, alleged sexual misconduct involving pages. In the discussion on the floor of the House when H. Res. 518 was passed, the Chairman and other House members referered broadly to pages and stories in the press as well. H. Res. 518 did not require the Committee to ascertain which individual cases were being investigated by Justice and then limit its own investigation to those individuals, regardless of other evidence which the Special Counsel and the Committee discovered. Indeed such an interpretation would make a mockery of any serious *independent* investigatory effort. So intent was the House to mount such an effort that it authorized the Committee to expand its investigation "to any matter relevant to discharging its responsibilities pursuant to . . . the Rules of the House of Representatives."

[4] Some allegations concerned events so far in the past, e.g., more than 20 years ago. or were so vague that investigation was not practicable.

Attorneys and investigators on the Special Counsel's staff have carefully examined and followed up hundreds of leads, allegations and rumors. They have conducted some 700 interviews and taken more than 125 depositions. They have travelled almost 100,000 miles to interview witnesses in more than 50 cities. One hundred and eleven subpoenas have been issued: 90 to compel oral testimony, 21 to compel production of documents. The Committee compelled testimony from 12 witnesses through grants of use immunity. The Special Counsel also obtained sworn statements from 40 individuals. In addition, numerous requests were made to such agencies as the Federal Bureau of Investigation, the United States Capitol Police, the Metropolitan Police and the broadcast media for materials which were voluntarily produced. In following up on several specific allegations, investigators have reviewed hundreds of pages of financial, travel and telephone records.

While it was essential to investigate each one of the specific allegations that prompted the passage of H. Res. 518, the Special Counsel decided that the mandate of H. Res. 518 required the Committee to seek out information that might bear on the subject matter of the investigation from all available sources. As set forth in Appendix A, the Special Counsel initiated a number of separate inquires to carry out this obligation.

Lawyers and investigators interviewed more than 75 pages who had recently served in the House.

The Special Counsel sent a letter requesting any information bearing on the subject matter under investigation to each of 516 former pages who had not already been contacted in person. These individuals served in the House of Representatives from September, 1979, through August, 1982. Eighty-nine pages responded; 71 responded in writing, an additional 18 by telephone. Most said they had no information; only 11 responses contained relevant information or allegations of misconduct that required further investigation.

In addition, attempts were made to interview seventy-three former pages by telephone regarding a particular matter under investigation. Individual letters were sent to twenty-five former pages who could not be reached by telephone. The Special Counsel received responses to eleven letters. A total of fifty-nine of these former pages were interviewed regarding this matter; one was deposed.

The Special Counsel requested and obtained from the Capitol Police all documents and records for the years 1977 through 1982 that contained information bearing on the subject matter under investigation.

The Special Counsel made similar requests of the Doorkeeper of the House of Representatives, whose office is in charge of the page system, and that the Sergeant-at-Arms of the House of Representatives, who, together with the Sergeant-at-Arms of the Senate and the Architect of the Capitol, directs the Capitol Police. The Special Counsel interviewed every officer in the Doorkeeper's office who supervised or directed pages and obtained testimony under oath from all but two.

Lawyers and investigators interviewed current and former teachers at the Capitol Page School concerning their knowledge of the subjects under investigation. Investigators also reviewed files of individual pages at the Capitol Page School and interviewed teachers from other educational institutions who had had contact with pages in seminars and special classes.

Committee investigators also interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious problems with pages who had been their tenants. One, however, complained about excessive drinking and loud, boisterous parties.

The Special Counsel's office examined a comprehensive compilation of press reports on the subject matter of H. Res. 518 and viewed videotapes of television news reports to identify specific allegations that merited investigation.

In all, more than 150 individual allegations have been investigated.

C. RELATIONSHIP WITH THE DEPARTMENT OF JUSTICE

From June through August, 1982, the Department of Justice investigated allegations of sexual misconduct by members of Congress and their staff. On August 31, 1982, a Justice Department spokesman announced that the Department had closed that investigation because "there is insufficient evidence to warrant a federal prosecution or further investigation."

On behalf of the Committee, the Special Counsel requested that the Attorney General make available to the Committee and its Special Counsel all written materials developed by the FBI in carrying out this investigation. On September 29, 1982 the Public Integrity Section of the Justice Department transmitted to the Special Counsel 244 documents, consisting primarily of summaries of interviews carried out by FBI agents in the course of this investigation. The names of certain witnesses who had requested confidentiality were deleted. With this exception, the Justice Department informed the Special Counsel that it had provided all the evidence it had collected.

D. LIMITS ON THE INVESTIGATION

Any investigation of "improper or illegal sexual conduct" poses difficult obstacles and delicate problems. The Special Counsel's office has had to depend in large measure on interviews and depositions under oath to investigate these matters. Developing evidence depends on the willingness of individuals to come forward and to respond honestly to investigators' questions.

The investigation that has been conducted has, in the judgment of the Special Counsel, been as thorough as is reasonably possible. In an area involving such intimate conduct, such human sensitivity and so many individuals, it will never be possible to declare with certainty that every instance of what every citizen would consider "improper sexual conduct" has been detected. But the Committee, the House and the American people can be assured that every effort was made to contach individuals who might have relevant information. Every allegation put forward has been pursued to the point where the Special Counsel concluded that there was no basis for it in fact, that no further investigation was possible, or that a formal charge was justified.

This has not been an inexpensive or pleasant task. It has taken much time, persistence, and patience on the part of Members of this Committee and attorneys and investigators in the Special Counsel's office, and the support of the bipartisan House leadership and the Committee on Standards of Official Conduct. The financial cost to the House for staff, travel, court reporters, investigators and lawyers has been substantial, as has the cost in legal fees and other expenses to witnesses interviewed, deposed and investigated, and to institutions assembling records. But the most serious costs have been to the many young Americans, a good number still teenagers, for whom this investigation has been a difficult and trying experience. To them, the Special Counsel expresses particular appreciation and understanding. Yet, it has taken this kind of inquiry to provide the American people the assurance that the House of Representatives has the institutional stamina and courage to investigate its Members, officers, and employees searchingly and thoroughly.

V. BACKGROUND: THE PAGE SYSTEM OF THE HOUSE OF REPRESENTATIVES, 1981-82

Because this investigation focused on pages and their relationships with Members, officers, and employees of the House, it is essential to begin with an understanding of the page system. The House has relied on teenage pages as messengers since the early 1800's, and the system has survived many debates about its desirability, including the most rcent review that the Speaker's Commission on Pages conducted in 1982. The key features of the page system as it existed in 1981-82—the selection process, the duties of pages, and the extent to which they were supervised—are described briefly below.

A. SELECTION PROCESS AND QUALIFICATIONS

During 1981-82, the House maintained 71 positions for pages. Most page appointments run for six months or a year, although some appointments—typically in the summer—are for periods of two months or less.

Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees from the candidates nominated. Pages are required to be high school juniors or seniors, at the time of appointments, and at least 16 but not more than 18 years of age. The Republican Personnel Committee requires that pages have had at least a "B" scholastic average in their home town high school; the Democratic Committee requires at least a "C" average.

Any Democratic Member of Congress may submit a recommendation to the Committee on Democratic Personnel requesting that an individual be appointed as a Democratic page. Typically, these recommendations provide the Committee with some information about the candidate, but the Committee has no application form and requires no specific information other than a birth certificate. The nominations are not considered on any particular date. The Committee staff accumulates nominations until approximately ten are pending. These nominations, ranked according to the seniority of the Member making the nomination, are then submitted to the Committee Chairman, who makes the selections. The Committee conducts no independent check of a page's qualifications. The sponsoring Member is responsible for screening applicants and establishing that they meet the age, school year, and academic criteria.

The Committee on Republican Personnel has a printed application form, which requires a school transcript, an essay on why the applicant wants to be a page, a statement of extracurricular activities, and letters of recommendation. The Committee also requests that the Member return the application materials by April 1 of each year. Information on each candidate is summarized by the Committee's staff, and page selection is made by the Committee vote. In selecting pages, the Committee gives preference to Members who have not previously sponsored a page.

Neither Committee has established a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

B. DUTIES OF HOUSE PAGES

Pages do not work for the individual Members of Congress who sponsor them. They receive direction from the staff of the Doorkeeper of the House, and work out of a central location just off the House floor.

Pages never become involved in the substantive give-and-take of the legislative process. Their duties are exclusively those of clerical workers and messengers. They are generally assigned to the House floor, to the Democratic or Republican Cloakroom, or to positions as "running" pages. A page assigned to the House floor carries messages to and from Members and assists in assembling and distributing legislative materials on the floor. A page assigned to the Democratic or Republican Cloakroom answers telephones, carries messages to Members, and perform chores requested by Members while they are in the Cloakroom. "Running" pages deliver materials to congressional offices and to Members on the floor. Several pages serve as documentarians, processing House documents and operating the system of bells that call Members for votes. One is assigned as the Speaker's page.

The daily schedule of all the pages, regardless of their assignment, is demanding. All are required to attend the Capitol Page School. Those enrolled for credit must maintain a "C" average; the rest are required to bring assignments from their home school and observe supervised study hours. Classes at the Capitol Page School begin at 6:10 a.m. and, on days when the House convenes at noon, typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5:00 p.m. or until the House adjourns for the day, whichever is later.

C. SUPERVISION OF PAGES

1. Working hours

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. The four to six pages working in the Democratic Cloakroom and the similar number working in the Republican Cloakroom report to the respective Managers of the Cloakrooms. The Democratic and Republican floor pages report, respectively, to the Majority and Minority Chief Pages, who are adult supervisors employed by the Doorkeeper of the House. The "running" pages, who are also supervised by the Majority and Minority Chief Pages, have intermediate supervisors drawn from the ranks of the pages themselves. These page "overseers" answer the telephones to receive requests for messenger service and then make assignments to "running" pages.

While the Doorkeeper of the House has overall responsibility for the pages, the Deputy Doorkeeper exercises disciplinary authority and receives reports from the two Cloakroom Managers and two Chief Pages.

2. Nonworking hours

Until 1983, no one had responsibility for supervision of pages' activities outside of working hours. In fact, the Handbook issued by the Doorkeeper specifically asserted that it was a condition of appointment that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

No individual in the Doorkeeper's office was formally responsible for counseling pages on problems outside of work or for seeing that they stay out of trouble. Some individuals in the Doorkeeper's office showed a good deal of concern for the pages' well-being, especially when it became apparent that a page was in some kind of difficulty.

The salary of teenage House pages—approximately $700 every month—represents far more money than most of them have previously had to manage.

Until 1983 pages were responsible for finding their own housing. In 1981–82, pages generally resided in groups ranging from two to six in apartments located at various places on Capitol Hill, or in housing obtained through a university housing service. Apartments are frequently passed on from one page to another. Pages living in apartments had, in general, no adult supervision and no one easily available in the event of trouble.

In 1981–82, approximately 25 female pages lived in Thompson-Markward Hall, referred to by the pages as the "Y" because it is a dormitory-like facility with relatively strict curfew and other rules. The Page House Alumni Association, a non-profit organization created through the efforts of an employee of the Doorkeeper's office, provided dormity-style housing for about ten male pages until August of last year.

Committee investigators interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious alcohol, drug or other problems with pages who had been their tenants. One, however, complained about excessive drinking and loud and boisterous parties.

The lack of effective supervision of pages after working hours has been sharply criticized for many years. Members of Congress have frequently called attention to the problem. In 1969, for example, Representative Mark Andrews of North Dakota noted:

> It is unconscionable for Congress to bring these boys to the Washington metropolitan area and put them in some catch-as-catch-can accommodations where they lack supervision and decent quarters. If we are going to have high school boys working for the Congress they should have adequate quarters and proper supervision.

Hearings before the Legislative Branch Subcommittee of the Committee on Appropriations, 91st Cong., 1st Sess. 497 (1969).

In 1970, Representative Edith Green of Oregon stated:

> [I]t is inconceivable to me that this situation has been allowed to continue. . . . We bring youngsters—often times from rural areas—turn them loose in a metropolitan area with more money than they have ever before had in their pockets and with absolutely no supervision in off hours. . . . [I]t is incumbent upon us to provide these facilities in terms of housing and also in terms of classrooms. They find their own rooms in rooming houses or in tourist homes. I repeat—they have no supervision at all in their spare time. There is absolutely no one who is looking after their nutrition, their meals.

116 Cong. Rec. 32278 (1970).

Testifying this past summer before the House Subcommittee on Legislative Branch Appropriations, the Doorkeeper of the House James Molloy stated:

> They [the pages] are wards of the Congress. Once we bring them here, we have to assume some responsibility. We have already had some incidents. . . . It does present a very serious problem.

Hearings on Legislative Branch Appropriations before Subcommittee of Legislative Branch Appropriations of the House Committee on Appropriations, 97th Cong., 2nd Sess., pt. 2 at 49 (1982).

Because of concern over the absence of effective supervision, Congress has on a number of occasions considered discontinuing the use of high school age pages.

3. Page dormitory

Over the past 40 years the House has on a number of occasions considered establishing a page dormitory to improve its ability to supervise pages.

In 1943, legislation was introduced in the House, but not passed, calling for construction and maintenance of official accommodations for the pages. In 1970, Congress authorized the acquisition of property for the purpose of constructing a building containing dormitory and classroom facilities for the pages.[5] A site was subsequently purchased for the facility, but funds to construct it were not appropriated.

4. Developments since 1981–82

Last year, in the wake of the highly publicized charges of misconduct, the House of Representatives took several major steps to improve its page program. Acting on the recommendations of the Speaker's Commission on Pages, House Speaker Thomas P. O'Neill, in his capacity as Chairman of the House Office Building Commission, authorized the renovation of two floors of House Annex No. 1 for use as a dormitory for congressional pages. Staff of Speaker's Commission on Pages, 97th Cong., 2d Sess., Report to the Speaker 10 (Comm. Print 1982); Letter from the Speaker to the Architect of the Capitol (Sept. 30, 1982). On November 30, 1982 the House voted to establish the House of Representatives Page Board to supervise all aspects of the page program. H.R. Res. 611, 97th Cong., 2d. Sess. (adopted by the full Congress in P.L. 97–377 and codified at 2 U.S.C. 88b–2 through 88b–4).

The Page Board has changed the age requirement for pages. limiting appointments to juniors in high school. House of Representatives Page Board, 98th Cong., 1st Sess., Interim Report to the Speaker 8 (Comm. Print 1983). All pages are required to live in the residence hall, except those who certify that they live with their parents or other responsible guardian in the Washington metropolitan area. The Page Residence Hall is staffed by a Director and five resident assistants. Id. at 7. Pages residing in the dormitory are subject to a 10:00 P.M. curfew through Thursday nights and a midnight curfew Friday and Saturday nights. Their behavior is governed by a code of conduct approved by the Page Board.

Since the opening of the page dormitory, every resident page's parent or guardian is required to cosign, wtih the page, a page Residence Hall Agreement. In this document the page and his or her parents agree to be bound by the Page Code of Conduct and other pertinent regulations, and agree that the page will not use the residence hall for any disorderly or unlawful purpose. Id. at Appendix F. The general statement in which parents assumed full responsibility for the safety and well-being of their chidren is no longer required.

VI. RELEVANT STANDARDS OF CONDUCT

A. RESPONSIBILITY OF THE HOUSE

Plainly the House of Representatives has a special responsibility for the teenage pages it employs. Although the House only recently opened a dormitory for pages, the House has long recognized that its responsibility for these teenagers extended beyond working hours. Indeed, concern about the unavoidable responsibility which the House accepts when it employs 16 and 17-year-old pages has periodically sparked debate whether the House should raise the minimum age for pages and ultimately led to the decision to establish a supervised dormitory for pages.

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[5] 40 U.S.C. § 184a.

On three separate occasions during the last twenty years, the House has undertaken extensive consideration of the page system. In 1964 Representative Edith Green's Select Committee on the Welfare and Education of Congressional Pages examined in detail the condition of congressional pages, and found that "many of the problems of the [page] school . . . stemmed from the fact that the students . . . are unsupervised for lengthy periods of time. . . ." H.R. Rep. No. 1945, 88th Cong., 2d Sess. (1965), p. 8. The Committee recommended among other things that the House either construct a page school and dormitory to address the situation, or raise the age of pages. Id. at pp. 6–10. In 1976, the Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor conducted thorough hearings on the quality of education provided to pages at the Capital Page School. Hearings before the Subcommittee on Elementary, Secondary, and Vocational Education of the House Committee on Education and Labor, 94th Cong., 2d Sess. (1976). In 1982, the Speaker's Commission on Pages reviewed the entire page system thoroughly and was instrumental in winning House approval for the construction of a page dormitory and the creation of a Capitol Page Board. Staff of Speaker's Commission on Pages, 97th Cong., 2d Sess., Report to the Speaker (Comm. Print 1982).

Throughout, Members of the House have made clear their views of the House's responsibilities. During the 1970 debate on authorizing construction of a page dormitory, Representative Charles Bennett said:

> The idea of bringing young people here as pages is a good one. It has been inspiring to them and it has been helpful to the country. But we cannot escape the responsibility that comes with that.

116 Cong. Rec. 32277 (1970).

In that same debate, Representative Shirley Chisholm underscored the point:

> . . . we as Members of Congress must share a tremendous responsibility when their parents send them here to become pages in this House . . . we must assume the responsibility and know that we have the authorization and the money which is necessary to build a dormitory in order that these young men [and women] can have the supervision so very necessary and so vital to their general welfare.

116 Cong. Rec. 32233 (1970).

Similarly, in urging the House to establish a Capitol Page Board in 1982, Representative Frank Annunzio said:

> So long as this body employs the youth of adolescent years, we have a responsibility to provide them with the basic protections we would expect for our own children should they be similarly employed away from their homes. . . . this Capitol Board . . . will have the jurisdiction not only of building the

> dormitory to insure proper supervision and proper housing but, also to carry out the responsibility of the Congress to young people who are 14 to 18 years of age.

128 Cong. Rec. H3985 (daily ed. July 12, 1982).

Majority Leader Jim Wright expressed similar sentiments in 1982 in urging his colleagues to fund a dormitory for the pages:

> The present situation is intolerable. It is absolutely impossible under the present circumstances to guarantee wholesome supervision or even personal safety to these fine young people whom we invite to Washington as the guests and employees of the Congress. The responsibility quite clearly is our own. Our failure to act is inexclusable. To tolerate the present situation one hour longer than necessary would border on criminal negligence.

128 Cong. Rec. H4004 (daily ed., July 12, 1982).

During the hearings held by the Speaker's Commission on Pages, the Commission heard from Representative John Dingell, a former page, now Chairman of the House Committee on Energy and Commerce. Mr. Dingell noted that the pages are "youngsters, [who are] entrusted to us by their loving families." Hearings before the Speaker's Commission on Pages, 97th Congress, 2d Session at 44 (1982). Representative Dingell also testified:

> I commented with regard to the quality of the supervision of the page force. I would like to observe to you, Mr. Chairman, that as a former page, I looked up to the supervisors that we had with the greatest of respect. I believe that situation exists today, and I know that in many instances, particularly on our own side of the aisle, that the kids look up to their supervisors with genuine respect and with genuine affection, and they hold their supervisors in high regard—one might say almost awe. (Id., p. 35)

In summary, the House of Representatives as a body takes responsibility for conducting a page program utilizing teenagers who are generally either 16 or 17 years-of-age. (The Senate pages are 14 through 17 years of age.) These teenagers are drawn to Washington by the existence of the page program. They are entrusted to the House as an institution for particular periods of time by their parents. The House sets the standards for their employment. The House supervises their appointment. The House takes responsibility for providing their education while they are in Washington and for overseeing the quality of that education. The House takes responsibility, through its elected officer, the Doorkeeper, for supervision of the pages while they are on duty. And, most recently with the opening of the residence hall, the House has acted in keeping with its obligations to provide for them during non-working hours, and to supervise their conduct during non-working hours.

In short, there can be little doubt that the pages are in fact the "wards" of the House, as the Doorkeeper has testified. Members, officers of the House, and those House employees who directly supervise pages have a special relationship to House pages, in effect standing in loco parentis to them. As Representative Frank Annunzio stated, "so long as this body employs the youth of adolescent years, we have a responsibility to provide them with the basic protections we would expect for our own children should they be similarly employed away from their own homes." Under these circumstances, the American people have the right to expect the highest standards of conduct of these individuals with respect to pages.[6]

B. IMPROPER SEXUAL CONDUCT

Given the special relationship between pages and the House, the Special Counsel believes that only one standard of conduct can be considered appropriate: no sexual relationship between a page and a Member, an officer of the House, or an employee of the House who supervises pages can be regarded as acceptable behavior. Pages are 16 or 17-year-old juniors or seniors in high school. For most pages, it is their first time away from home and away from their parents. They have chosen to serve as a page because they are interested in the American system of government. Almost inevitably they will be fascinated by people who hold high positions in that system. In Representative Dingell's words, pages "hold their supervisors in high regard—one might say almost awe." That statement can only apply with greater force to Members of the House themselves. Members are the center of the universe for teenage pages.

The pages of the House serve the 435 men and women who represent the people of their congressional districts. Members of the House write laws that set standards for the American people. The parents who send their 16- and 17-year-old children to serve as pages have a right to expect that Members of the House will treat their children with respect, and honor the custodial trust into which they have committed their offspring. To say that the pages are wards of the House, and that the House has special responsibilities to them and stands as an institution in effect in loco parentis to them, is hollow rhetoric, unless those who are the House as an institution—the 435 Members elected to constitute the House—give meaning to the high trust they assume toward their teenage wards. Certainly, parents of teenage pages have a right to assume that Members of the House of Representatives will not have sexual relations with their children.

The laws of many states recognize the special responsibility of anyone in such a position to avoid sexual relationships with those under their care, custody, or supervision. For example, the District of Columbia prohibits sexual intercourse between a "superintendent," a "tutor," or a "teacher," and his female pupil under the age of 21, five years beyond the general age of consent which is 16 in the District of Columbia. D.C. Code Ann. § 22–3002 (1981). In 1981 and 1982 the Commonwealth of Virginia revised its laws in this area. Virginia makes it a criminal offense for anyone who "maintains a custodal or supervisory relationship over a child under the age of eighteen, who is the parent, stepparent or stands in loco parentis with respect to such child and is not legally married to such child" to "propose that any such child feel or fondle the sexual genital parts of such person, or . . . propose to such child the performance of an act of sexual intercourse. . . ." Thus, Virginia extends protection to teenagers in such circumstances two years beyond the general age of consent, which in that state is also 16. Va. Code Ann. § 18.2–370.1 (1982). Virginia's child abuse statute defines an "abused or neglected child" entitled to protection against abuses that include sexual acts by parents or other responsible persons, inter alia, as "any child less than 18 years of age . . ." Va. Code Ann. § 63.1–248.2 (Supp. 1983). These statutes recognize that in certain relationships two parties to a sexual relationship are not equal and that these situations are inherently subject to exploitation.

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[6] Other empployees of the House may occupy sufficiently high positions or have sufficient responsibility with respect to pages that they too should be held to have such a special relationship. The cases involved in the present investigation do not require the Special Counsel or the Committee to reach the question of precisely how far the relationship extends.

The nature of the relationship between the House of Representatives and the pages it employs compels the conclusion that any sexual relationship between teenage pages and Members, officers of the House, or those employees who supervise pages, or any sexual advance by any such individuals to a House page, constitutes improper sexual conduct under H. Res. 518.

No explicit showing of preferential treatment, coercion, or harassment is required under this standard. In this connection, it is worthwhile to note that H. Res. 518 specifically distinguished between "(1) alleged improper or illegal sexual conduct" and "(3) the offering of preferential treatment . . . in exchange for [sexual favors]." 128 Cong. Rec. H4032 (daily ed. July 13, 1982).

Under these circumstances, Members, officers of the House and page supervisors violate the official obligations of their office if they enter into a sexual relationship—no matter how consensual and whether heterosexual or homosexual—with any page, or if they make sexual advances to a page. Such conduct constitutes exactly the type of "improper" sexual conduct to which H. Res. 518 and H. Res. 12 were directed. Certainly such conduct does not "reflect creditably on the House of Representatives," and therefore constitutes a violation of Rule 1 of the Code of Official Conduct.

This Committee has recognized in the past its duty to give specific content to the general standards contained in the House Rules and in the Code of Ethics.

> The Committee is cognizant of the fact that these traditional standards of conduct as expressed in the Code of Ethics for Government Service, and as revealed in House precedents, are not delineated with any great exactitude and may therefore prove difficult in enforcement. The Committee is likewise aware that because of the generality of these standards their violation is easily alleged, and that this may be subject to some abuse. However, the Committee believes it was for the very purpose of evaluating particular situations against existing standards, and of weeding out baseless charges from legitimate ones, that this Committee was created. As was stated in House Report No. 1176, 90th Cong. 2d Sess. (March 14, 1968) in recommending the creation of this Committee as a standing committee of the House:
>
> "Some instrumentality, preferably the continuing committee, must necessarily serve as the determinant of the subjective terms necessary in spelling out the Code of Official Con-

> duct. An essential difference between a statute and a standard is that the former usually is capable of precise definition and therefore may be objectively tested, whereas the latter can only be stated in subjective language and must rely on the facts as determined in each situation. If it should be necessary to measure an allegation against a standard, that measurement will be as meaningful as the depth to which the measuring body drws out the facts and nuances. Clearly this can be done better by a body smaller and more flexible than the entire House, and one that is more acquainted with the history and development of the standards and enforcement procedures, than special committees created to deal only with individual cases as they arise." (at p. 13).

H.R. Rep. No. 1364, 94th Cong., 2d Sess. 8-9 (1976).

C. CONDUCT IN A PRIOR CONGRESS

It is well-settled that the House may discipline a Member for conduct which occurred during a prior Congress, at least where the disciplinary action taken is short of expulsion.

This question was fully briefed and decided most recently In the Matter of Representative Charles C. Diggs, Jr., H.R. Rep. No. 351, 96th Cong., 1st Sess. 1979. Mr. Diggs was censured in 1979 by the 96th Congress, for misuse of clerk-hire funds from 1973 to 1977, during the 93rd, 94th and 95th Congresses. 125 Cong. Rec. H6900-H6906 (daily ed. July 31, 1979).

Following service of the Statement of Alleged Violation, Mr. Diggs filed a motion with this Committee "to terminate the proceedings for lack of jurisdiction." H.R. Rep. No. 351 at 41. The memorandum in support of the motion argued that "the House may not punish Congressman Diggs for conduct occurring prior to his election to the current Congress." Id. at 42. Mr. Diggs noted that, at the time of his most recent re-election, his constitutents were aware that he had been convicted of the criminal activity charged by the Committee in its Statement of Alleged Violation. He argued that the judgment of his constitutents in re-electing him should supercede any disciplinary action by the House, citing a number of eighteenth, nineteenth and early twentieth century cases in which the House had considered but failed to agree to expulsion of Members for conduct occurring in earlier Congresses.

The Committee unanimously rejected Mr. Diggs' motion and concluded in its Report:

> . . . that the House had jurisdiction under Article I, Section 5, to inquire into the misconduct of a Member occurring prior to his last election, and under appropriate circumstances, to impose at least those disciplinary sanctions that fall short of expulsion. Id. at 3.

The Committee recommended, and the House voted the censure of Representative Diggs. Id. at 20; 125 H6906. The Committee did not express an opinion as to whether the House has the power to expel a Member for conduct which occurred in a prior Congress.

Additional cases in which the House has imposed sanctions (all short of expulsion) on Members for offenses which occurred in earlier Congresses included the following:

Charles H. Wilson: Censure was imposed in 1980 by the 96th Congress for accepting benefits which might be construed as affecting his official duties, for accepting a gift from a person having a direct interest in legislation before the Congress and for converting campaign funds to his personal use and failing to keep his campaign funds separate from his personal funds. These acts occurred in 1971 and 1972, during the 92nd Congress. H. Rep. No. 930, 96th Cong., 2d Sess. (1980); 126 Cong. Rec. H4691–H4708, (daily ed. June 10, 1980); 28 Cong. Rec. H6127–H6129 (daily ed. July 2, 1980).

Edward R. Roybal: Reprimand was imposed in 1978 by the 95th Congress for failing to report a campaign contribution, for converting a campaign contribution to his personal use and failing to keep his campaign funds separate from his personal funds, and for giving false testimony before the Committee on Standards of Official Conduct. Some of these acts occurred in 1974, during the 93rd Congress. H. Rep. No. 1743, 95th Cong., 2d Sess. (1978); 124 Cong. Rec. 37009–37017 (1978).

John J. McFall: Reprimand was imposed in 1978 by the 95th Congress for failing to report a campaign contribution in 1974, during the 93rd Congress. H. Rep. No. 1742, 95th Cong., 2d Sess. (1978); 124 Cong. Rec. 37005–37009 (1978).

Robert L. F. Sikes: Reprimand was imposed in 1976 by the 94th Congress for failing to report ownership of certain stock from 1968 through 1973, during the 90th through the 93rd Congresses, and for purchase of certain stock in a bank, following active efforts by Sikes in his official capacity to obtain benefits from the bank, in 1973 during the 93rd Congress. H. Rep No. 1364, 94th Cong., 2d Sess. (1978); 122 Cong. Rec. 24379 (1978)

D. LAPSE OF TIME SINCE THE CONDUCT OCCURRED

The Special Counsel recognizes that the conduct involved in the present cases occurred three years ago in two instances and ten years ago in the third case. But lapse of time in the circumstances of these cases is not a reason for ignoring evidence that violations occurred. Lapse of time, along with other circumstances of the violation, may be relevant to consideration of the sanction, but not to whether a violation occurred.

The issue of lapse of time was raised before the Committee In the Matter of Charles H. Wilson. H.R. Rep. 930, 96th Cong., 2d Sess. (1980). Mr. Wilson was disciplined in 1980, by the 96th Congress, for conduct which occurred eight and nine years earlier, in 1971 and 1972, during the 92d Congress.

Mr. Wilson moved to dismiss the Statement of Alleged Violation for lack of jurisdiction. He argued in his motion that the conduct should not be pursued by the Committee on a number of grounds, including the five year statute of limitations established by the United States Code for non-capital offenses, the doctrine of laches, and fundamental fairness. Id. at 23. Counsel for the Committee responded that neither the statute of limitations nor the principle of laches is applicable to congressional disciplinary proceedings, that in any event the requirements of laches were not met in the case, and that the Committee had adopted a balancing test approach which took into consideration the passage of time since the misconduct in question and insured fundamental fairness. Id. at 42–48.

The Committee rejected Mr. Wilson's motion to dismiss. Id. at 121–124.

During floor debates on the censure of Mr. Wilson, the issue of the lapse of time since the misconduct was raised by several speakers. The House nevertheless adopted the resolution of censure by a voice vote. 126 Cong. Rec. H4691–H4708 (daily ed. June 10, 1980).

Lapse of time was also an issue in the disciplinary proceeding against Representative Robert L. F. Sikes during the 94th Congress, in 1976. In the Sikes case, the Committee took action for conduct that occurred between three and eight years prior to the Committee's action. H.R. Rep. No. 1364, 94th Cong., 2d Sess. (1976); 124 Cong. Rec. 24379–87 (1976).[7]

VII. RESULTS OF INVESTIGATION

This section discusses, first, origins of the page scandal. The second part of this section summarizes the overall findings of this investigation. The third section describes the three cases in which the Special Counsel has found evidence of sexual misconduct and sets out his recommendation in those cases.

Finally, the fourth part of this section reviews numerous other allegations of sexual misconduct investigated by the Special Counsel and sets out his findings and conclusions concerning them.

A. THE ORIGIN OF THE ALLEGATIONS AND THE ORIGINAL WILLIAMS AND OPP CHARGES

The Special Counsel found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, overactive teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

The full findings and conclusions of the Special Counsel concerning (1) the origin of the allegations, (2) the falsity of the allegations made by Leroy Williams and Jeffrey Opp, and (3) the information developed by the U.S. Capitol Police investigation into allegations of misconduct involving pages are set out in full in the Interim Report of the Special Counsel filed with this Committee on December 14, 1982, and attached as Appendix A to this Report.

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[7] In the Sikes case the House did not take action with respect to certain misconduct, in part because the activity occurred 15 years before. Among the charges against Sikes which were considered in 1976 was the allegation that in 1961 he had sponsored legislation "which created an obvious and significant conflict of interest." H.R. Rep. No. 1364, 94th Cong., 2d Sess. 4. The Committee on Standards of Official Conduct expressed its concern about the conflict but recommended no action with regard to it. The Committee's Report stated:

> If such activity had occurred within a relatively recent time frame and had just now become a matter of public knowledge, the recommendation of some form of punishment would be a matter of public knowledge, the recommendation of some form of punishment would be a matter for consideration by the Committee. However, the fact is we are confronted with events that occurred approximately 15 years ago and at least to some extent appear to have been known to Representative Sikes' constituency which has continually re-elected him to Congress. For these reasons the Committee declines to make a recommendation now of formal punishment. Id. at 4–5.

B. OVERALL FINDINGS OF THE INVESTIGATION

The investigation conducted by the Special Counsel has extended beyond the original charges of sexual misconduct made by the two former pages which led the House to initiate the investigation. Pursuant to H. Res. 518, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives during the past three years. The Special Counsel also investigated allegations that he has received of sexual misconduct involving pages, whatever the time frame. Thousands of hours of investigators and lawyers have been devoted to tracking down rumors and allegations of sexual misconduct involving congressional pages.

For the overwhelming majority of pages their experience in the House of Representatives ranks as one of the most important and rewarding of their lives. The Special Counsel can report to this Committee, to the House, and to the Nation that he has found no evidence whatsoever of widespread improper or illegal sexual conduct by Members, officers, or employees of the House involving congressional pages. The evidence developed in the course of this investigation has shown time and again that allegations and rumors of misconduct were the product of teenage exaggeration, gossip or even out-and-out fabrication that was often repeated mercilessly in a political capital that thrives on rumor.

Three central findings dominate the exhaustive investigation carried out by the Special Counsel.

First, the Special Counsel received no credible evidence of sexual misconduct by Members, officers or employees of the House of Representatives involving congressional pages during the 1981–82 time period involved in the original charges that prompted this investigation.

Second, as detailed in the Special Counsel's Interim Report of last December, the evidence obtained showed there was no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages, Leroy Williams and Jeffrey Opp, whose sensational charges received such publicity a year ago.

With the exception of three cases, the investigation uncovered no evidence at all to support the dozens of allegations that the Committee received concerning improper sexual conduct involving congressional pages or preferential treatment of congressional pages in exchange for sexual favors. To the contrary, in all but three cases, the evidence showed conclusively that these allegations were not true or that there was no credible basis for the allegations.

C. EVIDENCE AND RECOMMENDATIONS REGARDING THREE CASES OF SEXUAL MISCONDUCT

1. Representative Daniel B. Crane

a. Investigation and findings

The Special Counsel first learned of the allegation that Representative Daniel Crane had a sexual relationship with a female page[8] in the course of a deposition of another page concerning an unrelated matter.

In that deposition, this page was asked if she was aware of any Member or employee of the House who had a sexual relationship with a page. The page responded that another female page, whom she identified, told her that she had dated Representative Daniel Crane and had sexual relations with him.

Subsequent depositions of the named page, Representative Crane and Clifford Downen, Representative Crane's roommate and administrative assistant, established that the female page visited Representative Crane's apartment at his invitation on approximately three to five occasions in May and June 1980, and that Representative Crane, knowing she was a page, had sexual relations with her on each of those occasions.

During the time of their sexual relationship, the page was 17 years old; Representative Crane was 44 years old.

i. Testimony of the page.—An investigator of the Special Counsel's office interviewed the female page in question in late 1982. She had been a House page from June 1979 through June 1980.

During this first interview, the page initially denied having knowledge of any sexual relationships between pages and Members, officers, or employees of the House. The investigator then informed the page that the Committee had received sworn testimony that she had told another page that she had a sexual relationship with a Member of Congress. The page appeared shocked and was reluctant to discuss the matter further. The investigator asked if the page would discuss the matter if the investigator could name the correct congressman. The page agreed. When the investigator named Representative Daniel Crane, the page stated that she had engaged in sexual relations with him. The page stated that she had found the Congressman, as an older man, very attractive, and that perhaps she was more responsible for the sexual relationship than he was. She did not blame Representative Crane.

At her deposition, the page testified under oath that she met Representative Crane through a male page she was dating. She testified that in the winter of 1980, she made a friendly wager for a six-pack of beer with Representative Crane on the outcome of a basketball game to be played by the page's hometown team. The page lost the wager. Sometime in the spring, she went to Representative Crane's office in the Cannon building, around 8 p.m., carrying a six-pack of Heineken beer to pay off the wager.

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[8] In each of three cases, the Special Counsel recommends that the Committee keep the names of the former pages involved confidential as long as possible. There is substantial precedent for the withholding of information on the activities and identities of minors. In both the District of Columbia and the Commonwealth of Virginia, for example, government files relating to investigations of child delinquency, abuse and neglect are kept confidential. D.C. Code Ann. § 6–2126. §§ 16–2331 to 16-2333 (1981); Va. Code Ann. §§ 63.1–248.8, 16.1–300 to 16.1–307 (1982). Proceedings in the special courts handling cases of juvenile delinquency and neglect are usually closed to the public. D.C. Code Ann. § 16–2344 (1981); Va. Code Ann. §§ 16.1–302, 16.1–303 (1982). In both the District and Virginia information concerning children up to the age of eighteen is protected unless they are charged with particularly serious crimes. D.C. Code Ann. § 16–2301(3) (1981); Va. Code Ann. § 63.1–228.2(A) (1980).

The page testified that Representative Crane asked if she wanted some beer. When she replied that she did not like beer, Representative Crane invited her out for a drink. They went to a bar in Virginia, but because the page was under the legal drinking age, she could not be served a drink. According to the page's testimony, they then decided to have a drink in Representative Crane's apartment.

Q. Can you tell us what happened after you got to the apartment?

A. Well, he drank beer, and we had a discussion.

Q. Can you tell us what that was about?

A. Just about whether we were going to finish up or he was going to take me home then.

Q. OK.

A. But I wouldn't have gone that far if I didn't already want to or have in my mind that I was going to do something like that.

Q. When you say "whether you were going to finish up," I take it whether you were going to go to bed with him, is that right?

A. Right.

Q. Did that subject come up prior to your getting to the apartment?

A. No.

Q. But you, just in your own mind, had thought about it before; is that what you mean?

A. Right.

Q. And what happened?

A. We went to bed.

Q. And I take it from what you are saying, that was entirely voluntary on your part?

A. Oh, yes.

Q. Did you—just to be clear—I don't want to get you embarrassed here. Did you have sexual relations with him that night?

A. Yes.

* * * * * * *

Q. Now, were there any other occasions after that when you went out with Congressman Crane?

A. Went out with? No.

Q. Were there any other occasions when you went to his apartment again?

A. Yes.

Q. Can you tell us approximately how many times you went to his apartment after that first night?

A. Three or four more times.

Q. Did you have sexual relations with him on those occasions?

A. Yes.

* * * * * * *

Q. And I believe you made some comment to [Special Counsel's investigator] to the effect that it was as much your fault as his; is that right?

A. Right. It was my decision just as much as it was his.

* * * * * * *

Generally, the page testified that she would meet Congressman Crane on the floor of the House, usually on a Thursday, and he would ask her if she wanted to get together. She would then either meet him at his office or at his parking spot, and the two of them would go to his apartment. On each of these occasions, Congressman Crane drove her back to her residence in the District of Columbia.

To verify certain details of the page's testimony, immediately after the deposition, the Special Counsel's office asked the page to identify Representative Crane's parking space, his car, and the name and location of his apartment, and to take an investigator to his apartment. The page was also asked to draw a diagram of Representative Crane's apartment. The page was given no prior warning that these requests would be made. She carried out each of these requests accurately and without hesitation.

ii. Testimony of Representative Crane.—Representative Crane voluntarily agreed to two depositions. In his second deposition, Representative Crane admitted that he had engaged in sexual relations with the female page on each of the occasions when she visited his apartment. He testified that, to his recollection, she visited his apartment "roughly . . . about three times."

iii. Statement of Representative Crane's attorney.—On June 13, 1983, the Special Counsel sent to Representative Crane's attorney a letter discussing a special procedure for Committee review of this matter. That letter is attached at Appendix E, and the relevant portion follows:

> In light of the above, it is my responsibility to recommend that the Committee take action to disapprove of Representative Crane's conduct. This matter obviously involves issues of great sensitivity for everyone, and I am particularly concerned about the page involved if there are extended public proceedings. Under the existing Committee rules, Representative Crane is entitled to receive a Statement of Alleged Violations from the Committee. Following the issuance of such a Statement, the Committee would establish a timetable for motions and briefs by counsel, and for a public hearing with testimony and cross-examination of witnesses.
>
> Procedures other than the Committee's established ones may be more appropriate to this case. Section 8 of H. Res. 518, 97th Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate." If Representative Crane does not wish to contest the factual findings of the Special Counsel and waives his right to a Statement of Alleged Violations and to a public hearing, I would be prepared to recommend that the Committee adopt the following procedure:
>
> The Committee would provide Representative Crane with his counsel the opportunity to present to the Committee, either orally or in writing, a statement or arguments concerning any legal, jurisdictional or other matters he wished to raise (including arguments in mitigation). This statement would be made before the Committee in executive session and

> would be analogous to the opportunity provided in Rule 11(a)(2)(A) of the Committee's Rules to a respondent in a preliminary inquiry initiated by the Committee. The Special Counsel would then file his report and recommendations with the Committee, which will include a recommendation that his report, and the facts in this case be made public, and the Committee would then act. Under this procedure, there would be no public hearing before the Committee.
>
> The current investigation has been conducted pursuant to House resolution. In any event, the Committee wants to assure that Representative Crane has had all rights which would have accrued to him if this investigation had been carried out as a preliminary inquiry instituted by vote of the Committee. In a preliminary inquiry, Representative Crane would have the "opportunit yto present to the Committee, orally or in writing a statement respecting the allegations" in question. Therefore, Representative Crane is invited to appear before the Committee at 9 a.m. on Wednesday, June 22, 1983. If Representative Crane agrees to the procedure set out above, the June 22 meeting will afford the opportunity to present those arguments which you wish the Committee and the Special Counsel to consider. Otherwise, the June 22 meeting will serve simply as the opportunity to make a statement analogous to the one described in Rule 11(a)(2)(A).
>
> In the alternative set out above, I have tried to propose a procedure that is fair to your client, sensitive to the interests of the pages, consistent with maintaining the integrity of the Committee on Standards of Official Conduct and the House of Representatives, and within H. Res. 518's proviso that the Committee is authorized to adopt special rules of procedures as may be appropriate in this investigation. This letter represents my own thinking on this issue and does not constitute any prediction of what action the Committee or House may choose to take.

The attorney for Representative Crane appeared before the Committee on June 22. Mr. Crane did not appear. On behalf of his client, the attorney stated that Representative Crane did not dispute the facts and waived his right to a Statement of Alleged Violation and to a public hearing. He then argued that public disclosure and sanction were not warranted when weighed against the consensual nature of the relationship. his contention that it was a private relationship not having to do with official duties of the House of Representatives, and the impact such disclosure might have on the page involved and the family of Representative Crane. On June 28, the Special Counsel requested confirmation of Representative Crane's position in writing (Appendix E).

In subsequent letters, dated July 7, 1983, and attached at Appendix F, the attorney for Representative Crane affirmed his client's agreement with the procedure proposed by the Special Counsel in his letter of June 13, 1983, and recommended that the Committee take no action on this matter, or in the alternative, seal the names of those involved. Specifically, the attorney suggested that, rather than report this matter to the House with a recommendation, the Committee could decline to take any action with respect to the individual conduct, or report the conduct to the House, and seal the names of the individuals involved. The potential harm to his client's family, as well as the life of the young woman, were cited by the attorney as reasons why the Committee should take no action on this matter. In his letter of July 7, 1983, the attorney further argued that the conduct involved was consensual, unrelated to official duties and did not violate any Federal, State or local law, and that no preferential treatment was given.

b. Recommendations with respect to findings of violations

Based on the evidence, the Special Counsel recommends that the Committee find that Representative Crane engaged in a consensual sexual relationship with a 17-year-old female page in the Spring of 1980. Under these circumstances and the standards set forth in Section VI above, the Special Counsel recommends that the Committee find that this was improper sexual conduct under H. Res. 518 of the 97th Congress and H. Res. 12 of the 98th Congress and that this conduct violated Representative Crane's official obligation as a Member of the House of Representatives and constitutes conduct that does not "reflect creditably on the House of Representatives" in violation of clause 1 of the Code of Official Conduct of the House.

That the conduct of Representative Crane in having sexual relations with a teenage page constitutes improper sexual conduct and does not reflect creditably on the House of Representatives seems clear. More difficult is a determination of the appropriate sanction to be recommended to the Committee.

c. Possible sanctions

Section 3 of H. Res. 518 provides that the "committee . . . shall report to the House of Representatives its recommendations as to such disciplinary action, if any, that the committee deems appropriate by the House of Representatives. . . ." Rule 17(b)(1) of the Rules of Procedure provides that the Committee may include in its recommendation to the House one or more of the following sanctions: expulsion, censure, reprimand, fine, denial or limitation of any right, power, privilege or immunity of a Member, or "any other sanction determined by the Committee to be appropriate."

The Committee rules set forth "general guidelines the Committee considers appropriate for determining which, if any, sanctions to recommend to the House. . . ." Rule 17(c)(1). Those guidelines are:

> "(2) For technical violations, the Committee may direct that the violations be reported to the House without a recommendation for a sanction.
>
> (3) With respect to the sanctions which the Committee may determine to include in a recommendation to the House respecting a violation, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and explusion of a Member . . . is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a

Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege or immunity."

It is necessary to measure the circumstances of this case against the rules set forth above and the precedents of the House of Representatives.

i. Reprimand.—The four recent cases of reprimand, as discussed in Section VI, involved (1) failure to report ownership of stock as required by the House and conflict of interest; (2) misrepresentation in an unsworn answer to a Committee questionnaire relating to the Korean influence investigation; (3) failure to report a political contribution and (4) perjury before a congressional committee, failure to report a campaign contribution and conversion of the contribution to personal use.

ii. Censure.—One of the two recent cases of censure involved a Member, Charles H. Wilson, who received $10,500 "under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties . . . from a person . . . having a direct interest in legislation before the Congress," and who converted campaign funds to personal use. These events occurred eight and nine years before censure was voted. 126 Cong. Rec. H4691–H4708 (daily ed. June 10, 1980).

The other recent case of censure involved a Member, Charles C. Diggs, who abused his staff and his clerk hire funds—giving them pay raises and requiring them to pay certain of his personal expenses out of those raises. An effort to increase the sanction from censure to expulsion failed on the House floor by a vote of 205 to 194. 125 Cong. Rec. H6847–H6848 (daily ed. July 30, 1979). The House also required the Member to repay the House $40,031.66, for the personal benefit he received from his misconduct. 125 Cong. Rec. H6900–H6906 (daily ed. July 31, 1979).

iii. Expulsion.—The most recent case of expulsion involved a Member, Michael J. Myers, who had been convicted of conspiracy and bribery arising out of the Abscam investigation. H. Rep. No. 1387, 96th Cong., 2d Sess. (1980); 126 Cong. Rec. H10309 (daily ed. October 2, 1980).

iv. Application of sanctions.—The circumstances of the Crane case do not involve financial wrongdoing or commission of a crime. They involve sexual relations on three to five occasions during the summer of 1980 between a Member and a teenage page. There is no evidence of coercion, or the use of drugs or excessive alcohol. There is no evidence of any preferential treatment or favors bestowed on the page by the Member.

The Crane case is clearly distinguishable from the Diggs case in which censure was voted. In the Diggs case, there was an element of coercion in the sense that the employees had to turn over their raises to Diggs as part of the terms of their employment. Nor does the Crane case involve the commission of a felony, which was the basis for expulsion in the case of Representative Myers.

Thus, measured against the precedents, neither expulsion nor censure is warranted in this case. And by the terms and apparent intent of the rules, neither a fine nor a limitation on some privilege seems appropriate.

That leaves two choices: a Committee recommendation for a reprimand by the House of Representatives or a Committee report of the violation to the House without a recommendation for a sanction. From the vantage point of Representative Crane, the publication of the violation of the Standards of Conduct itself may be a more severe punishment than any action the House might take. Making his conduct public leaves it to his constituents to weigh in any future bid for reelection. But the institutional integrity of the House of Representatives requires that the House itself act.

For the Committee to determine that the Member's actions constitute merely a "technical violation" that warrants no action by the House seems inadequate. The sexual relationship may have been consensual, but there is a difference between a 17-year-old page away from home and a 44-year-old Member of the House of Representatives in terms of responsibility, maturity, judgment and fiduciary obligation. The House has always regarded pages as its wards and has always accepted a special responsibility to them.

It is true that the sexual mores of the United States have changed dramatically over the past two decades. Laws prohibiting adultery, fornication and homosexual relationships are either being repealed or ignored. There is increasing recognition of the frailty of human nature. The age of consent for sexual acts is being lowered to 16 in most jurisdictions. But, as the Virginia and District of Columbia statutes indicate, in situations where adults have special relationships to young teenagers and where child abuse, seduction or sexual relations are involved, the protected age is raised by law to 18 or, in the District of Columbia, to 21. In Illinois, sexual intercourse with a female under 16 is a felony; sexual intercourse with a 16 or 17-year-old is a misdemeanor. These laws do not render Representative Crane's actions a crime. They do provide a sense of community standards relevant to the appropriate sanction in this case.

For the House, the issue is not whether a Member of Congress is free, in the privacy of his personal life, to have sexual relations with a 16 or 17 year old who has reached the age of consent and who is not a House page. For the House, the issue is whether the House of Representatives has a duty to take some official action to express its disapproval of the conduct of a Member who has sexual relations with a teenage page, away from home, dependent on the House for secondary schooling and financial support, to whom the House and its Members have repeatedly recognized a special responsibility. The Special Counsel believes that the House does have such a duty to the American people who have a right to expect the highest standards from the House as an institution and from its individual Members.

d. Recommendation of sanction

As Special Counsel, it is therefore my responsibility to recommend that the Committee recommend to the House a reprimand of Representative Crane for conduct—namely having sexual relations with a teenage page, whom he knew to be a page, during the summer of 1980—that does not "reflect creditably on the House of Representatives" in violation of Clause 1 of the Code of Official Conduct of the House. Following past precedents, the reprimand would take the form of a House Resolution adopting a Committee Report.

2. Congressman Gerry E. Studds

a. Investigation and findings

The Special Counsel received several allegations of improper sexual conduct under House Resolution 518, 97th Cong., 2d Session, concerning Representative Studds. These allegations as to events which occurred prior to the 1981–82 time period, which was the primary focus of the Special Counsel's inquiry, began to be received by the Special Counsel soon after the investigation started in July, 1982. Two of these allegations had appeared in a book, with the Congressman's identity concealed. The book itself was the subject of newspaper and television news reports in the summer of 1982. Other allegations were made directly to a member of the Committee and the Special Counsel's staff.

The Special Counsel's staff interviewed and deposed many individual's including former pages, in the investigation of these allegations.

One former page testified under oath that he had heard a rumor that Representative Studds had travelled overseas with a congressional page. He could not recall the name of the page who allegedly made the trip. In another deposition, another former page provided the name of the page rumored to have travelled overseas with Representative Studds.

In his deposition, the male page who had allegedly travelled to Europe with Representative Studds, testified that he had visited Representative Studds' apartment at the Congressman's invitation on at least three or four occasions in 1973 and that Representative Studds and the page had engaged in sexual activity on each of those occasions. The page testified that in late July, 1973, Representative Studds invited him to travel abroad during the August recess. The page agreed, and the two took a two and a half week trip together abroad. According to the page's testimony, they engaged in sexual activity every two or three days during this trip.

The page was 17 years old during the time he testified that he had a sexual relationship with Representative Studds; the relationship may have begun when the page was 16, since the page was born in the spring of 1956. At that time, Representative Studds was 36 years old.

Two other former pages, both male, have stated under oath that Representative Studds made sexual advances to them in 1973 while they were serving as House pages. One was 16 or 17 years old at the time of the alleged incident; the other was 17.

The Special Counsel and the Committee offered Representative Studds an opportunity to be deposed in connection with this investigation. The Special Counsel's letter is attached as Appendix G. For the reasons stated in the letter of his attorney, also attached at Appendix G, he declined. Representative Studds did cooperate with the Special Counsel, making his staff available for interviews and depositions, and his records available for review. At the Committee's invitation, Representatives Studds and his attorneys appeared and made statements before the Committee.

i. Evidence concerning Representative Studds' 1973 sexual relationship with a page.—The Special Counsel's staff interviewed the former page who had travelled with Representative Studds twice before his deposition. At each interview the page admitted travelling to Europe with Representative Studds, but he denied that he had been sexually propositioned by the Member, and he denied that there had been a sexual relationship between them. Then, just prior to his deposition, the page took aside a member of the Special Counsel's staff and told him that he had not been telling the truth. He stated then, and testified under oath in his deposition, that he had a sexual relationship with Representative Studds while serving as a House page during the spring and summer of 1973.

This individual had been a congressional page in the House during the Spring and Summer of 1973.[9] He was sixteen when he was appointed as a page.

The page testified that another page introduced him to Representative Studds and a group of other congressmen at a restaurant in May or June, 1973. According to the page's testimony under oath, sometime after this introduction, Representative Studds invited the page to the Representative's house in Georgetown for dinner:

Q. After you met Congressman Studds, did you and he get together again shortly after that?

A. Yes. Shortly thereafter—I am not sure how long, how long it was—but I was invited to go out to dinner with him and I did. The dinner took place at his apartment in Georgetown. Would you wish a follow-up question?

Q. The follow-up question would be what happened at that dinner?

A. Well, we sat around and talked about abstract and general questions, all types and descriptions, until four in the morning, drinking vodka and cranberry juice, at which time I was told by the Congressman that he was too drunk to give me a ride home and so he said, "Why don't you sleep here?" and I did.

At that point, according to the page's testimony, the Congressman engaged the page in sexual activity.

The page testified that the sexual relationship continued after that first night:

Q. Did you and the Congressman get together subsequent to this?

A. Yes. I would imagine we had dinner three or four additional times. Specifically I do not recall. But that is in the ballpark.

Q. And did you engage in sexual activity each time?

A. Yes.

Q. When the Congressman first invited you to have dinner and as you got to know the Congressman, how did you feel in that environment, that a Congressman was talking with you?

A. I was flattered and excited.

Q. Did you feel intimidated?

A. No, I did not. I would like to state at this time—it would probably have been better if I had stated this in my opening statement—but the Congressman or the Honorable Gerry Studds was an intelligent, witty, gentle man with I think a high level of insecurity. He did nothing to me which I would consider destructive or painful. In another time, in another society, the action would be acceptable, perhaps even laudable. Unfortunately this is not the case. I have no axe to grind with him. I have nothing negative to say about the man. In fact, I thought that he provided me with one of the more wonderful experiences of my life, if we exclude the instances of sexual experience which I was somewhat uncomfortable with. But I did not think it was that big a deal.

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[9] According to the House records he began work as a page in mid-May. He remained on the House payroll until early August.

* * * * * * *

Q. You said you felt uncomfortable with it, did you continue with him because he was a Congressman, because he was someone you were impressed with?

A. No. Well, I kept company with him because he was an intelligent man, a fun person to be with. If I could have had my druthers, I would have had the friendship that I had with the man without the sex. And I mentioned that to him.

According to the page's testimony, his sexual relationship with Representative Studds continued during their trip together in August, 1973. The evidence does not indicate that any official funds were used for the trip. The page testified that he paid his own airfare to Europe, and a portion of the cost of meals and lodging with Representative Studds. The page testified that his relationship with Mr. Studds ended when they returned to the United States. The page also testified as follows:

Q. Did Mr. Studds ever offer any preferential treatment or offer you any inducement to have a relationship with him?

A. No, he did not.

Q. Did he ever threaten you or coerce you if you did not have a relationship with him?

A. He did not. Essentially all I needed to do to stop the relationship was walk out the door, or not go in the door, as the case may be.

The page testified that he is not homosexual and he had not had a homosexual relationship prior to his relationship with Representative Studds.

ii. Sexual advances to two other pages.—The Special Counsel received testimony under oath from two other former pages that Representative Studds made sexual advances to them in 1973. Each testified that he rejected the advance.

First page: This individual was a page in the House from mid-1972 through mid-1974. He became seventeen years old in the spring of 1973. He testified under oath at his deposition that he met Representative Studds one evening in 1973 at a restaurant or bar on Capitol Hill, while with a group of other pages. According to the page's sworn testimony, as the group of pages broke up later in the evening, Representative Studds offered to drive him home. The page accepted the offer. But instead of driving to the page's home, Representative Studds drove to his own home where he and the page continued to drink and talk for from one-and-a-half to three hours. According to the page's sworn testimony, Representative Studds then made a remark which the page interpreted as a sexual proposition. At the time the incident occurred, the page told at least two other individuals about it, one of whom was a staff member in the Doorkeeper's office.

Second page: This page was also a congressional page in the House from mid-1971 through mid-1973. He was seventeen years old in the Spring of 1973. In a sworn statement, this individual stated that, one evening after a late House session in the Spring of 1973, he went to a bar on Capitol Hill. He joined a group of individuals that included Representative Studds and a number of pages, House staffers and

Members of Congress. According to the page's sworn statement, he and Representative Studds, along with the others present, consumed a large quantity of alcohol in the course of the evening. The page stated under oath that at the end of the evening, Representative Studds offered to drive him and another page to their homes. Both pages accepted the offer. After dropping the other page off, Representative Studds invited this page to Representative Studds' house for another drink. At the house, the page stated that Representative Studds poured alcoholic drinks for himself and the page, and made a sexual proposition to the page, which the page declined. The page said that he told at least one other page about the experience. The page whom he told about the experience testified that he informed a staff member in the Doorkeeper's Office about the incident.

Knowledge in Doorkeeper's Office of sexual advances: Jack Russ, who was Majority Chief Page of the House in 1973, testified under oath that the first male page told him in 1973 that Representative Studds had made a sexual advance to him in the Representative's home. Mr. Russ said he did not pursue this matter because the first page "wasn't willing to pursue it" and because Russ "wasn't sure at that time whether or not he had mistaken a friendly gesture for an advance or not."

Mr. Russ was not the only official in the Doorkeeper's Office who was told of this incident. Another page testified under oath that in 1973 he told the Republican Cloakroom Page Supervisor, Ron Lasch, about Representative Studds' approach to the first and second pages.

In his deposition, Mr. Lasch recalled that this page told him about an incident in which Representative Studds made a sexual advance to one or two pages; he could only recall the name of one, the first page discussed above. Mr. Lasch testified that with regard to the incident, he did "Nothing, other than to suggest [to the page who told him of the incident] that [he] and the other kids should keep their distance." He stated that he did not do more regarding the incident "Because I didn't feel I had any means of doing anything more, either through the chain of command that I worked for or through any other set of circumstances, and that the best thing was that everyone be warned of it and stay clear of it."

b. Statement of Representative Studds and his attorneys

On June 13, 1983, the Special Counsel met with the attorneys for Representative Studds and proposed to them the same procedure he had proposed to Representative Crane. At that time, the Special Counsel informed Representative Studds' attorney of the names of the page who alleged he had engaged in sexual activities with Mr. Studds, and the first page who alleged that Representative Studds had made sexual advances. Subsequently, on June 21, 1983, the day prior to Representative Studds' appearance before the Committee, the Special Counsel obtained a statement from another male page that Mr. Studds had made a sexual advance to him. The Special Counsel informed the attorney for Representative Studds of this, but did not provide the name because the second page had not yet given testimony or a statement under oath. Accordingly, in their appearance before the Committee on June 22, Representative Studds and his attorneys were not in a position to address the allegation of the second page.

Representative Studds and his attorneys accepted the invitation of the Special Counsel and the Committee to appear before the Committee on June 22. In the appearance before the Committee, Representative Studds, through his attorneys, informed the Committee that he "does not seek a contest of the essential facts" of a sexual relationship between the Congressman and the page in 1973. The attorneys for Representative Studds also stated to the Committee that, "The facts will also require a finding that the relationship involved no coercion, harassment, preferential treatment or use of illegal drugs."

In their appearance before the Committee, Representative Studds and his attorneys argued that the sexual relationship of Representative Studds with a teenage page in 1973 (presumably, their argument would also apply to the sexual advances to the other pages in 1973) failed to meet the definition of improper sexual conduct adopted by the Special Counsel and published by the Committee in the December 14, 1982, Interim Report because of "the absence of actual preferential treatment and coercion and because of staleness." In the alternative, Mr. Studds and his attorneys argued that, if the Committee concluded that the conduct of Mr. Studds violated clause 1 of the Code of Official Conduct and did not "reflect creditably on the House", the Committee should report the facts "without reference to the names of the Congressman or other persons involved. . . ."

At the hearing on June 22, and subsequently in response to a formal request of the Special Counsel, Representative Studds and his attorneys stated that they did not wish to waive Representative Studds' right to a Statement of Alleged Violation and a public hearing. (Special Counsel's letter of June 27, 1983 and the response of Representative Studds' attorneys is at Appendix H.)

For the reasons set forth in Section VI of this report, the Special Counsel believes that any sexual relationship between a page and a Member of the House is a violation of the Standards of Conduct for House Members. In this case, however, the Special Counsel notes that, according to the sworn testimony of the page, the relationship did begin in a context of heavy drinking of alcohol.

The sexual relationship did occur ten years ago. But in disciplining its Members, the House is not bound by any statute of limitations. The precedents of the House and the Committee in this area seem clear. In 1978, for example, during a Committee investigation of Representative Charles H. Wilson of California in connection with the Korean influence investigation, the Committee received evidence of other questionable conduct, unrelated to its Korea investigation, that occurred in 1971 and 1972. The Committee investigated that conduct and in 1980 recommended that the House censure Mr. Wilson for conduct which occurred 9 years earlier. H. Rep. No. 930, 96th Cong., 2d Sess. II (1980). The House voted censure on June 10, 1980. 26 Cong. Rec. H4708 (daily ed. June 10, 1980). The conduct for which Mr. Wilson was censured involved his use of campaign funds for personal purposes, and conflict of interest. As the discussion in Section VI.d. demonstrates, statutes of limitations and the doctrine of laches do not apply to House disciplinary actions.

Representative Studds' attorneys alternatively argue that the conduct be reported and condemned without naming Representative Studds. They have cited as precedent for this practice the fact that the

Special Counsel did not name the Members of Congress referred to in his Interim Report. But in that report, and later in this one, the names of Members or House employees are not used where the allegations about them had no basis in fact.

Representative Studds' attorneys requested that a notice of preliminary inquiry be issued prior to issuing a Statement of Alleged Violations. Such a notice is not required. The Committee is proceeding under H. Res. 518, not under Rule 13 of the Committee Rules. Moreover, Representative Studds has already been provided at least as much information as he would be entitled to in a Notice of Preliminary Inquiry. He has also been given the opportunity, which he has taken advantage of, to respond to the allegations both in writing and in a personal appearance, accompanied by his atttorneys, before the Committee. In any event, the Committee in the past has issued Statements of Alleged Violation without issuing any Notice of Preliminary Inquiry, for example, in the case of four Members involved in the Korean influence investigation. H. Rep. Nos. 1740, 1741, 1742, 1743, 95th Cong., 2d Sess. (1978).

c. Recommendation

Based on the evidence obtained in the course of this investigation, the Special Counsel recommends that the Committee vote to have a Statement of Alleged Violation transmitted to Representative Studds. The Special Counsel recommends that the statement include these counts:

(1) That during the period May to August, 1973 Representative Studds engaged in a sexual relationship with a 17-year-old male page, whom he knew was a page (which may have begun when the page was 16 years old), and which ended in August, 1973;

(2) That in 1973 Representative Studds made sexual advances to a second male page, who he knew was a page, who was 16 or 17 years old at the time;

(3) That Representative Studds made sexual advances to a third male page in 1973, whom he knew was a page, who was 17 years old at the time.

The Special Counsel recommends that this Statement of Alleged Violation state that such conduct constitutes improper sexual conduct under H. Res. 518 and is a violation of clause 1 of the Code of Official Conduct of the House of Representatives.

The Special Counsel recommends that the Statement of Alleged Violation not include the names of the pages involved to protect the identity of the former pages from being disclosed publicly at this time. The names of two of these pages have already been provided to Representative Studds, and the Special Counsel recommends that the name of the third former page be provided to him when he is served with the Statement of Alleged Violation. This procedure will assure that Representative Studds has a fair opportunity to prepare his case, while for the present, at least, keeping the identity of the pages confidential.

3. James C Howarth

a. Investigation and findings

On December 14, 1982, the Committee adopted a resolution commencing a preliminary inquiry into certain allegations involving the Majority Chief Page, James C. Howarth, an employee of the Doorkeeper's Office of the House of Representatives. On January 27, 1983, the Committee adopted a nearly identical resolution re-authorizing that inquiry for the 98th Congress.

The evidence obtained in the course of the Preliminary Inquiry indicates that there is reason to believe that the following violations occurred:

Howarth abused his position as Majority Chief Page and engaged in sexual misconduct, in that during the spring of 1980 he had sexual relations on a regular basis with a female page directly under his supervision. At the time of this sexual relationship, the page was 17 years old. Howarth was 28 years old.

Howarth failed to execute faithfully his duties as Majority Chief Page and abused the authority of that position, in that he dispensed special favors and preferential treatment, by allowing the page with whom he was having sexual relations to take time off from her page duties.

Howarth engaged in illegal narcotics activity, in that he purchased and possessed cocaine in the Democratic Cloakroom of the House of Representatives on two separate occasions.

i. Sexual misconduct.—The female page in question served as a page in the U.S. House of Representatives from July, 1979, until June, 1980. During that period, Howarth was an employee of the Doorkeeper's Office with the title of Majority Chief Page. In that capacity, he supervised pages and had direct supervisory responsibility over this page.

This page testified under oath that during approximately the last two and one-half months of her page tenure she engaged in sexual relations with Howarth on a regular basis. She said that the relationship was consensual.

The page testified that throughout the last several months of her page tenure she spent nearly every night with Howarth at his apartment.

The page testified that during this period she virtually stopped attending class at the Page School. She said that she would "stay up all night" as a result of her relationship with Howarth, and that it was, therefore, difficult to get up in time for the Page School's early classes.

The page's account of her relationship with Howarth is corroborated to a significant extent by sworn testimony of the page's sister and mother, and by other pages.

The page also provided descriptions, which have been confirmed by the Special Counsel's office, of Howarth's apartment and habits, including his address in 1980, a detailed description of the layout and furnishings of the apartment, and his shopping and living routines.

ii. Granting of preferential treatment.—In addition to her allegations of sexual misconduct, the page has also testified that Howarth granted her preferential treatment while she was employed as a page in the House. The page testified that Howarth allowed her to take time off from her page duties whenever she pleased. She testified that, on at least one occasion, she feigned illness as an excuse.

iii. Illegal narcotics activity.—Robert Yesh, a former employee of the House, stated under oath that Howarth purchased cocaine from him on at least three occasions during the period January, 1979, through December, 1980. On at least two of those occasions, according to Yesh's sworn statement, Howarth purchased cocaine from him in the Democratic Cloakroom of the House of Representatives. Yesh has stated under oath that Howarth purchased one gram of cocaine from him for $100 in the Cloakroom on one occasion, and one-eighth ounce of cocaine from him for $300 in the Cloakroom on another occasion.

Howarth's use of cocaine is corroborated by testimony from the page with whom Howarth was sexually involved.

b. Statement of Mr. Howarth's attorney

Mr. Howarth's attorney responded to the first Notice of Preliminary Inquiry on January 5, 1983. In the response, his attorney stated that Mr. Howarth was unable to respond to the charge of sexual misconduct because he was not given "the name of the female page with whom [he] allegedly conducted a relationship" and because of the need for more specific times with respect to the other items in the Notice. Mr. Howarth's response to the second Notice of Preliminary Inquiry was virtually identical. Mr. Howarth's attorney was informed that, under Committee rules, such a request for particulars was appropriately made in response to a statement of alleged violation, not in the preliminary inquiry stage of proceedings. The attorney submitted no further information and Mr. Howarth submitted no further statement, orally or in writing, to the Committee.

c. Recommendations

Based on the evidence obtained, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation against Howarth. The Special Counsel recommends that the Statement contain four counts:

(1) That during the period from approximately April, 1980, through mid-June, 1980, Howarth violated clause 1 of the Code of Official Conduct of the House of Representatives by engaging in a sexual relationship on a regular basis with a 17-year-old female page who was at the time employed as a congressional page by the House of Representatives and was under his direct supervision.

By engaging in a sexual relationship with a female page under his supervision, Howarth breached his fiduciary duties to pages, abused the trust given him as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

(2) That during the same period of time, Howarth failed to execute his duties as Majority Chief Page and dispensed special favors and privileges in violation of clause 3 and clause 5 of the Code of Ethics for Government Service and clause 1 of the Code of Official Conduct of the House of Representatives by allowing the female page referred to above to absent herself from her page duties whenever she chose. These special favors and privileges constituted preferential treatment of a page as a consequence of a sexual relationship.

By granting these favors and privileges, Howarth breached his fiduciary duties to pages, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

(3) and (4) That during the period January, 1979, through December, 1980, Howarth engaged in illegal narcotics activity by purchasing and possessing cocaine in the Democratic Cloakroom of the House of Representatives on two separate occasions. Specifically, on one occasion Howarth purchased in the House Democratic Cloakroom one gram of cocaine from a then employee of the House of Representatives. On an-

other occasion, Howarth purchased one-eighth of an ounce of cocaine in the House Democratic Cloakroom from the same employee.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

The Special Counsel recommends that the Statement of Alleged Violation not include the name of the page involved to protect the identity of the former page from being disclosed publicly at this time. The Special Counsel recommends that the name of this individual be provided to Mr. Howarth when he is served with the Statement of Alleged Violation.

D. OTHER ALLEGATIONS

During the course of the investigation pursuant to H. Res. 518 and H. Res. 12, the Special Counsel received other allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. The Special Counsel has investigated these allegations thoroughly and has found no evidence to support them. The allegations and the results of the Special Counsel's investigation are summarized below. Since these allegations are without substantiating evidence, the Special Counsel has not included the names of the individuals involved in the allegations.[10]

Allegation

On July 8, 1982, the New York Daily News published an article headlined, "Say Dem & Page Went on Gay Tour." The article states:

> "A Democratic Congressman took a teenage male Capitol Hill page on a tour of gay bars in Key West, Florida, during a Christmas vacation. . . . A Washington resident said he spotted the teenager in a Key West bar in December, 1979 and the youngster admitted that 'an older man' had taken him to the Florida resort for the Christmas vacation. He pointed out a man sitting at the bar as his companion, and the Washington resident identified him as a member of the House of Representatives."

This article was itself the subject of an article in the Fort Worth Star Telegram on July 8, 1982, entitled, "Tour of Gay Bars Alleged."

Investigation.

The Special Counsel attempted to determine which Congressman was referred to in the article, and requested the Daily News to provide that information so that the story could be investigated. A reporter for the News mentioned the name of the Congressman to at least one former page whom he interviewed for the story. The Daily News reporter confirmed to the Special Counsel's office that he had contacted this page regarding this allegation. Beyond this, the Daily News reporter who wrote the story and the Daily News reporter who called the page about the article in July, 1982, refused to be interviewed by the Special Counsel's staff. The Daily News has refused to tell the Special Counsel whom the story was about. This conduct is in sharp contrast to the cooperation of the Daily News and one of its reporters with the Senate Foreign Relations Committee, when it provided reportorial notes in connection with the nomination hearings of Kenneth Adelman. The exchange of correspondence between the Spceial Counsel and the Daily News is reproduced as Appendix I to this Report.

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[10] The Special Counsel also received a number of allegations about individuals no longer associated with the House of Representatives. These allegations have not been pursued.

One former page whose deposition was taken in the course of this investigation testified under oath that a reporter from the Daily News had asked him if a specific, named Congressman (Congressman 1) had taken a page to Key West, Florida. In addition, the press secretary for Congressman 1 testified under oath that he was contacted in the summer of 1982 by a reporter who asked about a trip by Congressman 1 to Florida with a page. The press secretary said that the reporter could have been from the Daily News, but he wasn't certain.

The Special Counsel therefore investigated the possibility that Congressman 1 was the Congressman referred to in the article. It has been established that Congressman 1 did take a trip to Key West, Florida in December, 1979, but the Special Counsel has not found any evidence that he was accompanied by a congressional page on this trip.

Investigators from the Special Counsel's staff reviewed the Congressman's official travel records for 1979 and 1980. These records did not indicate any official trip by him to Key West, Florida. The Special Counsel's staff then sought to determine if he had made a personal trip to Florida. Interviews with the Congressman's staff indicated that he had travelled to Key West around Christmastime, 1979.

The Special Counsel requested and reviewed the Congressman's personal credit card receipts, telephone bills and travel records. The Special Counsel obtained the hotel registration records from a Key West hotel, which indicated that the Congressman was in Key West, Florida for a week at the end of December, 1979 through the beginning of January, 1980.

Having determined that Congressman 1 was in Key West, Florida at the time described in the newspaper article, the Special Counsel next sought to determine if he had been there with a congressional page. Investigators obtained from the Clerk of the House a list of all persons who had been pages in December, 1979. The Special Counsel also obtained a computer printout listing all persons who had been pages in December, 1979 and January, 1980. Other records in the Special Counsel's Office were checked for additional names.

From these sources investigators obtained the names of seventy-three persons who had been pages at that time. Attempts were made to interview all of these pages by telephone regarding any information they had about a page taking a trip to Key West with a Congressman. Letters were sent to twenty-five former pages who could not be reached by telephone. The Special Counsel has received responses to eleven letters. Fifty-nine of these former pages have been interviewed regarding this matter; one has been deposed under oath. None of the fifty-nine pages had any information linking Congressman 1 with any page in a trip to Key West in 1979–80.

The Special Counsel obtained copies of tickets of all passengers on the Eastern Airlines flights taken by the Congressman on his way to Key West from Washington, D.C., and on his return. A review of these tickets confirmed that Congressman 1 was ticketed on each of these flights. The names of all other ticketed passengers were reviewed to determine if any congressional pages were aboard these flights. The Special Counsel compared the names with the listings of pages for that period and it was determined that none of the pages were listed as passengers. The registration records of the hotel where Congressman 1 stayed in Key West, Florida were also obtained. No name of a congressional page listed in the records provided by the House appeared on the hotel's books.

The former page who was deposed in this matter stated that in January, 1980, another page told him he had gone to Key West in December, 1979, with a Member of Congress who was a friend of his father. This Congressman was not Congressman 1. That former page who was identified by the witness was interviewed regarding this allegation. He stated that his father was a friend of this other Congressman. He said he had not been in Key West with either his father or this Congressman in December, 1979, nor had he told anyone that he had been.

Conclusion

In spite of being able to confirm that Congressman 1 was in Key West, Florida, around Christmas of 1979, the Special Counsel has not uncovered any evidence that he was accompanied by a congressional page on this trip.

The Special Counsel also investigated three other allegations involving sexual misconduct by this Congressman which were not substantiated. Since one of these allegations concerned Congressman 1 and congressional pages and another concerned possible sexual harassment of a House employee, the Special Counsel investigated these allegations to determine if any activity within the scope of H. Res. 518 and H. Res. 12 had taken place.

Allegation

A District of Columbia Metropolitan Police Department detective, who had investigated allegations of illegal activity by Members, officers or employees of the Congress, testified under oath as follows:

> . . . I received a phone call from a gentleman that told me in relation to the arrest of a Mr. Hinson, Congressman Hinson, for homosexual acts, that the Capitol Police, in setting up that electronic stakeout using video equipment, had in fact run across an earlier member who had engaged in a homosexual act in the same men's room, but were obligated to make a phone call to the Speaker's Office to verify the enforcement activity that would ensure and that gentleman—as I received it, and again I can't qualify [sic]—was [Congressman 1]. They were informed that he was to be run out of the men's room subsequent to his committing purportedly a homosexual act which the Capitol Hill Police observed and was dismissed.

The Special Counsel's office received a similar allegation from a newspaper reporter who had been told that Congressman 1 had been caught in a situation similar to that involving former Congressman John Hinson, and that the Speaker had covered up for Congressman 1.

Investigation

Because of the seriousness of this charge, the Special Counsel conducted a detailed investigation of this allegation. The police captain—a Metropolitan Police Department officer who was on detail to the United States Capitol Police Department—who supervised the surveillance operation which resulted in the arrest of Congressman Hinson, was interviewed and deposed. He testified that Congressman 1 was never observed in the Longworth House Office Building men's room that was under surveillance during this investigation. He stated that another congressman, not Congressman 1, was observed in the men's room, but this other congressman did not do anything to warrant arrest.

Two United States Capitol Police officers who participated in the surveillance were interviewed separately and gave sworn statements regarding this allegation. Each officer stated under oath that he did not see any congressman other than Hinson in the men's room during the time they conducted surveillance of the room.

Sworn statements were also obtained from two police sergeants who had also participated in the investigation. One stated under oath that he did observe a congressman other than Mr. Hinson in the men's room, but it was not Congressman 1. He said he did not observe this congressman involved in any homosexual acts. He said he also observed a Capitol tour guide, a Senate employee, and various other individuals who were not employed by the Congress. He stated under oath that he did not recall receiving any instructions, prior to or during his surveillance, to report to any higher authority the name of any congressman seen before making an arrest. He also stated under oath that the police were not focusing on any one individual, nor were they going to give any individual a break.

The other sergeant stated under oath that Mr. Hinson was the only person he saw during the surveillance whom he recognized as being a congressman. He also stated that he received no instructions from USCP officials or others relating to not making an arrest of a congressman.

The Chief of the United States Capitol Police was also deposed about this matter. He stated under oath that, in advance of the Hinson arrest, he had told the Sergeant-at-Arms of the House that the complaint about the men's room might involve Members of Congress. He said the Sergeant-at-Arms told him that there was no alternative except to enforce the law. The Capitol Police Chief said that it was reported to him that another congressman was observed in the men's room, but that he told the captain in charge of the surveillance, "... whatever violation occurred, just arrest the perpetrators. ..." He further stated under oath that the only directive he received was "... to enforce the law and to make arrests, whoever they might be."

Finally, the individual who was the Sergeant-at-Arms at the time of the investigation was deposed regarding this allegation. He testified under oath that he told the Chief of the Capitol Police to "arrest anyone . . . engaging in any activity" warranting arrest. He stated that he did not issue or receive any instructions regarding any Member of Congress, that no names of particular Members were mentioned to him regarding the investigation, and that, in fact, Representative Hinson's name was reported to him only after Representative Hinson was arrested. The former Sergeant-at-Arms stated that he told the Speaker that the investigation was under way, but that the Speaker gave him no instructions other than to proceed with the investigation.

In addition, employees of the Speaker's Office were interviewed and stated that they were unaware of any directions or actions taken to "protect" any Congressman.

The reporter who made the similar allegation was contacted four times by the Special Counsel's staff and asked to name the source of his allegation or have the source contact the Special Counsel's staff. The reporter would not reveal the name of his source, but he did agree to ask the source to contact us. This source has not contacted the Special Counsel's staff.

The reporter admitted that he was passing on information he had heard. He has not published this allegation, and the Special Counsel has not been able to substantiate it independently.

Conclusion

The Special Counsel was unable to ascertain the source of this rumor. Based on the available evidence, it appears that in fact Congressman 1 was never observed in the Longworth House Office Building men's room which was under surveillance when Mr. Hinson was arrested, and that no attempt to coverup took place.

Allegation

A House employee testified under oath that soon after he went to work for Congressman 1 in 1979:

> A friend of mine who works in another congressional staff mentioned that she had heard [that Congressman 1] had had problems with pages, sexual problems with pages, in the past, and the Speaker had bailed him out on one past occasion.

This employee did not himself appear convinced that the story was accurate. He testified further about his conversation:

> Once again, though, I have to warn you, that this is rumor that was passed on to me, and I think it was rumor that she heard, and I just don't want to pass it on or leave you with the impression that it was anything but rumor.

Investigation

The Special Counsel deposed the person whom this employee said told him this story. She denied having any knowledge from any source that Congressman 1 was sexually involved with pages or that Congressman 1 had been "bailed-out" by the Speaker for any problem involving sexual activity. She denied ever saying this to the employee who made the allegation. She said she thought that Congressman 1's name might have been mentioned in connection with pages when the "page scandal" broke in the summer of 1982, but she did not recall ever discussing this with the other employee.

She did not recall a conversation with this employee about Congressman 1's homosexuality after he went to work for the Congressman. She did recall a later converation with him when Congressman

1's homosexuality might have been discussed. As to a bail-out of Congressman 1 by the Speaker, she did not recall ever hearing such a rumor, or mentioning it to the other employee.

Both of these employees were credible witnesses. The alleged source of the allegation was represented by counsel at her deposition. It is possible that she may have mentioned something to the other employee which she does not now recall, or that he read a meaning into something she said which she did not intend. The Special Counsel concludes that she did not lie under oath, and was telling the truth when she said she does not have any knowledge about a bail-out of Congressman 1 by the Speaker.

Conclusion

On the basis of these interviews and depositions it appears possible that a rumor may have been circulating among congressional staff or the press concerning Congressman 1 and a page and about a "bail-out" by the Speaker. No evidence, however, has been uncovered to identify the source of these rumors or to substantiate them.

Allegation

A newspaper reporter contacted the Committee and said that Congressman 1 had tried to sexually intimidate an employee. This employee worked for the Congressman as a legislative aide from July, 1979, until he was fired at the end of December, 1980. Before and after this time, this employee worked for another Congressman. He was born in 1947, and was thirty-two years old when he was allegedly subjected to sexual intimidation.

Investigation

The employee testified that shortly after he was hired he accompanied Congressman 1 on an overnight trip to his district in August, 1979. They stayed at the Congressmans' home, which had one bedroom with two beds. While they were talking prior to going to bed, the employee testified he became very uncomfortable because he was carrying the conversation while the Congressman sat and stared at him. He therefore excused himself and went to bed. He testified that about five minutes later, Congressman 1 walked into the bedroom, opened the door and said, "I have just one question." The employee recalls saying, "What is that?" The Congressman said, "Would you like some company in the bed?" The employee testified that he replied, "Absolutely not, I am going to get some sleep and I suggest you do the same." He further testified that the incident was not repeated that night or at any other time during the trip, but he and Congressman 1 did not take any more trips together.

The employee was fired by Congressman 1 some 16 months after the incident.

In May, 1981, five months after he left Congressman 1's staff, the employee wrote a letter to Congressman suggesting that he had been the victim of sexual harassment.

The employee testified under oath that he believes he was fired because he and Congressman 1 were never able to work together as a team after certain tensions grew up between them. He attributed these tensions to the incident described above. The employee testified that, after the August, 1979 incident, Congressman 1 became more critical of his work and it was sometimes difficult to see him on business.

The Special Counsel's staff interviewed and deposed other staff employees of Congressman 1 about their working relationship with the employee and their perception of his relationship with the Congressman. Without exception, they testified that this employee did not get along with his fellow workers in the Congressman's office; that they felt that this employee was not carrying out his responsibilities; and that he did not have a good working relationship with Congressman 1.

Conclusion

The Special Counsel concluded that even if the alleged sexual proposition took place, the evidence obtained provided an insufficient basis to conclude that the firing was in retaliation for the employee's refusing that sexual proposition. First, the alleged proposition was made one month after the employee was hired, and the employee remained on the staff for another 16 months. Second, the unanimous testimony of other staffers indicated that there were independent reasons for the employee's dismissal.

Allegation

Two television news broadcasts, one in November, 1981 and one in July, 1982, reported allegations that foreign intelligence agents were using male prostitutes to compromise high government officials, and purchasing client lists from homosexual prostitution services. Each broadcast was based on an interview with an unnamed, silhouetted informant. No Members, officers or employees of the House were mentioned by name in these reports. However, according to the November, 1981 broadcast, a callboy who had a Congressman among his customers was approached by a Soviet agent for information. The July, 1982 broadcast stated that lists confiscated from male prostitution services included names of "Members of Congress and top congressional aides."

Investigation

The Special Counsel located and interviewed the individual who appeared in the November, 1981 broadcast. He had worked as an informant for various law enforcement agencies, including the New York State Crime Commission. This informant told the Special Counsel's Office that he had no knowledge of any Member, officer or employee of the House involved in any illegal or improper sexual conduct, or whose name has been on any list furnished to foreign intelligence sources by male prostitution services. He said that he actively and diligently sought out Capitol Hill people during his investigative activity but could find none. In addition, this informant told the Special Counsel's office that media reports of the KGB having access to call services' client lists were the result of "irresponsible" reporting that he was unable to confirm.

This informant had testified before the New York State Crime Commission and had been debriefed by Commission staff prior to that testimony. The Counsel to the Commission told the Special Counsel's Office that the informant had no information about any illegal or improper sexual conduct of any Member, officer, or employee of the U.S. House of Representatives. The informant made no allegations concerning Members, officers, or employees of the House to the Commission or its staff or in any of the media reports.

The Special Counsel's Office located and interviewed the individual who was interviewed in the July, 1982 broadcast. This individual provided no information to Special Counsel's staff concerning activities of foreign intelligence agents or their use of male prostitute lists to obtain information from Members, officers or employees of the House. This individual had worked as an informant for the Metropolitan Police Department. The detective with whom the informant worked told the Special Counsel's office that he believed the informant was not telling the truth in the Juy, 1982 broadcast since he mentioned incidents he had never reported to the police department.

Conclusion

The Special Counsel found no evidence to support further investigation of these allegations. In addition, the Special Counsel's investigation found substantial questions as to the credibility of the source of the July, 1982 broadcast.

Allegation

The Special Counsel received from several sources variations of a rumor that sometime between 1979 and 1981 a page became pregnant by a Congressman, had an abortion and was sent home before her term expired. One variation of the rumor alleged that the Congressman involved gave the page money for an abortion or to keep her quiet.

Investigation

The Special Counsel conducted a thorough investigation of these rumors and found that two female pages had abortions during this time period. The Special Counsel determined that in neither instance was the person who made the page pregnant a Member or employee of the House.

Page A

A former Senate page who had dated Page A, told the Special Counsel's investigators that Page A, who was sent home from the page program before completing her term, told him that she had had an abortion. The former Senate page said that Page A did not attend her classes regularly and was doing poorly in her studies. He believed this was the reason she was sent home.

Page B, who served as a page from June, 1979 to June, 1980, told the Special Counsel's office in a sworn statement that he had been told that another page had seen a check made out to Page A from the Congressman who sponsored her. According to what Page B was told, Page A had said that the check was for a dress. However, Page B was also told by Page C or D that the check was for an abortion, not a dress. Page B stated that he believed the check was in an amount not more than $200. He said that he had never spoken to Page A about the matter and never received any information about it except second-hand from either Page C or D.

Page C told the Special Counsel's office that she had heard a rumor that Page A and Page A's congressional sponsor had had a "special" relationship. Page C emphasized that this was only a rumor. Page D said she had heard rumors that Page A had become pregnant and left, but had not heard that a Congressman was involved or that Page A received any money.

Page A told the Special Counsel that she had been dismissed from her page assignment because she was not attending school as a result of frequent illnesses. She also stated, however, that in March, 1980 she became pregnant by her boyfriend who lived in her home town. As a result of the pregnancy, and related sickness and emotional stress, her school atttendance became worse. She was told by the Doorkeeper's Office that she was being sent home because of poor grades and attendance.

Page A stated that she returned home when her page appointment was terminated and that she and her boyfriend decided that she should get an abortion. Page A said that, on May 5, 1980, she had an abortion at a medical clinic in her home town. The abortion was paid for in cash provided to Page A by her boyfriend. Page A's statements regarding her pregnancy, her abortion, and the role of her boyfriend were repeated by her under oath in a sworn statement. The Special Counsel's office also obtained statements from Page A's boyfriend concerning these matters under oath. Page A's boyfriend confirmed the story that Page A told in all particulars. Page A's boyfriend stated under oath that he was not associated in any way with the House of Representatives.

Page A stated under oath that she did not tell her congressional sponsor of her pregnancy or abortion. Page A also stated under oath that the Congressman who sponsored her is a personal, lifelong friend of her family and that her mother has worked in his election campaigns throughout his political career. Page A said that her father died when she was eight years old and that her congressional sponsor has helped the family from time to time. Page A stated under oath that in May, 1980, this Congressman presented her at her debutante ball. Page A also stated that in March, 1980, her sponsor gave her a check for $250.00 to purchase a gown for this occasion. In April, 1980, she cashed the check and used the money to purchase a gown, shoes, and purse at a bridal shop in her home town. Page A also stated that about one week before cashing the check, she showed it to the owner of the bridal shop.

The owner of the bridal shop confirmed Page A's statements. The shop owner stated under oath that on April 9, 1980, Page A purchased a gown and that sometime in the week prior to making the purchase Page A had shown her and her husband a check given to her by her congressional sponsor in the amount of $250.00. Since it was a third-party check, the shop owner asked that Page A cash the check and pay for the gown in cash. The owner provided the Special Counsel with a copy of the receipt for the dress in the amount of $187.95.

Page E

The same former Senate page who related the rumor about Page A, also told the Special Counsel's office under oath that he had heard that Page E had become pregnant and had an abortion. This former Senate page also said that he was certain that the male involved with Page E was his brother who had visited him in Washington for about three weeks in January, 1980 and had dated Page E regularly during that period.

The brother stated under oath that he met Page E during a 22 day visit with his brother in January, 1980 and that, a few days before his departure from Washington, D.C., he and Page E became sexually involved. He said that about six weeks after he left Washington, Page E called him and told him she was pregnant as a result of their relationship. About two weeks later she called again and told him she had had an abortion. He did not offer, nor was he asked, to pay for the abortion. The Special Counsel found no evidence that the brother was employed by the House, or that he was associated with the House in any other way. The Special Counsel's office found no evidence that Page E left the page program before completing her appointment.

The Special Counsel found no evidence to support the allegation that either Page A or Page E became pregnant as a result of a relationship with a Member, officer, or employee of the House, or that either received any money from a Member or employee relating to a pregnancy or abortion.

* * * * * * *

Allegation

A former male page, Page F, testified under oath that while he was a Page he had a sexual relationship with a female employee of the House.

Investigation

Page F was 18 y[illegible] at the time of the alleged relationship and he testified that the [illegible] employee was six to ten years older. Page F refused to divulge [illegible] name of the female employee. He stated that the person was not a supervisor of his and that there was no coercion involved. Page F did say that the employee told him "she wouldn't give [him] difficult runs." Subsequent efforts by the Special Counsel's office to learn the name of the House employee involved were unsuccessful. However, the Page's father told the Special Counsel that the employee was a secretary who was in no position to give the page any preferential treatment and that the reference to "difficult runs" was made in a joking manner.

Conclusion

The evidence obtained by the Special Counsel indicates that there may have been a relationship with a secretary. However, Page F would not identify the secretary involved, and the father of the page informed the Special Counsel that the page would not cooperate further with any investigation. In addition, Page F had made other statements that the Special Counsel found to be unreliable. Moreover, if the page's story is credited, it appears that the House employee involved did not supervise pages and did not hold a high position in the House, and that no preferential treatment, coercion, or harrassment was involved. Under all the circumstances, the Special Counsel did not pursue this matter further.

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Allegation and investigation

Page G told the Special Counsel's staff that she was invited to dinner by a Congressman and that when she refused his invitation, the Congressman jokingly asked her whether she liked her job and wanted to keep it. Page G said that although she had not viewed the remark as a threat and felt that the Congressman had been joking, she was offended by the remark. The page said she reported that incident to her congressional sponsor who, she said, subsequently told her that the situation had been taken care of. According to the page, the Congressman did not speak to her again, and no further incidents occurred.

Conclusion

While the Congressman's remarks were ill-advised and in poor taste, the Special Councel found no evidence that any sexual misconduct occurred.

Allegation

Page H testified that in July, 1981 a page named Diane was rumored to have had a sexual relationship with a Member of Congress. Page H recalled neither the last name of the Page nor the name of the Member allegedly involved.

Investigation

The page school records, finance records and page printouts (1978–82) were reviewed in an attempt to identify a Diane who fit the circumstances of the rumor. Several pages with the first name Diane were eliminated based on the times of their terms as pages, their residences and/or physical descriptions.

Two pages named Diane were located and interviewed. The first page stated that she resided at home during her tenure, not at the location mentioned in the rumor, and was kept under a very strict curfew by her parents. She denied any knowledge of sex or drug activities.

The second page also told the Special Counsel's office that she resided at home during gher tenure as a page, not at a location compatible with the rumor. She stated that she had no knowledge of the activities described in the rumor.

Conclusion

The Special Counsel found no evidence to support the allegation.

* * * * * * *

Allegation

A former male page, Page I, told the Special Counsel's office that he had been sexually approached by a man whom he believed to be a legal consultant for an unknown Member of Congress.

Investigation

Page I testified that in early 1979 he had met the alleged legal consultant at a Pennsylvania Avenue bar. In April, 1979, the page played squash with the man, after which they drove back to the man's apartment where the man made homosexual advances. House personnel records do not contain the name given to Page I by the "legal consultant." Apparently he either gave a false name to the page or lied about his employment. The page could provide no further identification of the individual.

Conclusion

Because of the lack of information there was no way to pursue the matter further.

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Allegations of pages J and K

Pages J and K made a variety of allegations in interviews with the FBI and/or in interviews and depositions conducted by the Special Counsel's office. As a whole, these allegations are based on second or third-hand information and on vague feelings or impressions. In addition, in several instances the accounts given of events by Pages J and K are directly contradicted by others or by themselves in subsequent testimony. In general, the Special Counsel found them not to be credible witnesses. However, due to the serious nature of several of the allegations, the Special Counsel did investigate the charges, and the results are summarized below.

Allegation

Page J told the FBI and the Special Counsel's staff that Congressman 2 was involved in a homosexual relationship with Page K who had been fired when he "started to talk."

Investigation

The Special Counsel's staff deposed both pages as well as individuals who had participated in the decision to terminate Page K. Page J testified that his suspicions were based on Page K's continual praise of Congressman 2, his "total access" and late night visits to the Congressman's office, and on page K's mannerisms and general gossip. Page J testified that he had no evidence to substantiate his claim. Page J also testified that Page K had been terminated because he had "started to talk" about this relationship with the Member, and had thus become a threat.

Page K, who was allegedly involved with the Congressman, denied the existence of a sexual relationship, as did the Congressman. Members of the Doorkeeper's staff testified that they had recommended Page K be terminated due to failing school grades, poor work attendance, and improper activities, which included writing bad checks, lying to page supervisors to obtain a free weekend and possible use of drugs. The Doorkeeper testified that he took these elements into account in deciding to terminate Page K but that his office does not keep official records of the reasons for terminating pages. Congressman 2 stated that Page K was dismissed on the basis of the Doorkeeper's recommendation because of drug activities, attendance at all night parties, and lax work performance. The reason given to the other pages for the dismissal was poor grades. This explanation was used to avoid tainting the page and the House of Representatives.

Two staff members of the page's sponsor confirmed that the sponsor agreed to terminate the page because of his involvement with drugs and deficient grades. The Special Counsel's examination of Page K's school records showed that his highest grade in his two semesters at the Page School was "C+" and that he also received one "C−", four "D's," and one Incomplete.

Conclusion

The Special Counsel had found no evidence to support either the allegation of a homosexual relationship with a Congressman, or the allegation that the page was terminated in order to cover up any relationship.

* * * * * * *

Allegation

Page J also told the FBI and the Special Counsel's staff that Congressman 2 was involved in a homosexual relationship with a young staff assistant, S, who Page J believed was a page.

Investigation

The staff assistant, S, told the Special Counsel's staff that he was an assistant in Congressman 2's office from September, 1981 to June, 1982, not a page. The page personnel records for this period reviewed by Special Counsel staff showed no one with his name was employed as a page. S denied the existence of a sexual relationship between himself and the Congressman. The Congressman also denied allegations of sexual misconduct with the young staff assistant. Page J testified that he suspected a sexual relationship because Congressman 2 gave the assistant "significant responsibility," such as using the assistant as a chauffeur, and because the mannerisms of the staff assistant suggested homosexual behavior. Page J had no other evidence and no other facts to support the allegation.

Conclusion

The Special Counsel has found no evidence to support the allegation.

* * * * * * *

Allegation

Page J and Page L told the Special Counsel's office that a female, Page M, had been approached by a page supervisor who was arranging dates between pages and Congressmen.

Investigation

Page J testified that Page M had been questioned extensively by the supervisor concerning her weekend plans and her personal relationships. Page J stated that Page M never told him that he had been asked by the staff to go out with any Member. But Page J said that this incident, together with the fact that the supervisor occasionally invited pages over for dinner, general gossip about the supervisor, and questions asked by a reporter about the supervisor, led Page J to believe the allegation.

Page L stated that Page M told him of an incident in which the supervisor told her that a Member wanted to meet her. Although Page M would not divulge the Member's name, Page L believed that Page M knew the Member's identity. As a result of this incident, Page L drew the conclusion that the supervisor arranged dates between pages and Congressmen.

Page M denied under oath ever having been questioned by the supervisor about her personal relationships or weekend plans. She also denied that the supervisor had told her that a Member of the House or Senate wanted to meet her. The supervisor testified under oath that he could not remember Page M nor could he recall any incident of talking with her.

The Special Counsel previously investigated a similar allegation regarding this supervisor and in his Interim Report found no basis for the allegation. Those pages who worked most closely with the supervisor were identified, interviewed and/or deposed. None of these pages had any personal knowledge or had heard any rumor of attempts by this supervisor to arrange dates for Congressmen and none had any reason to believe such allegations.

Conclusion

Since both the individuals involved in this allegation deny any knowledge of it, since there are no known sources who could corroborate the allegation, and since other allegations regarding the conduct of the supervisor named in the allegation have been previously found to be without substance, the Special Counsel concluded that there was no evidence to support the allegation.

* * * * * * *

Allegation

Page K told the FBI that a female page, Page N, told him of "passes and advances" made to her by two Members of Congress. These advances allegedly took place on the floor of the House. Page K told the FBI that he had no direct knowledge of Page N actually being involved with the Members of Congress.

Investigation

Page K testified under oath that he did not know the names of the Members involved. He did say that the female page had, on one occasion, pointed these two Members out to him. The page picked two photos from a book shown him by Special Counsel's staff, and testified that these two photographs could "possibly" have been the two Members involved. Page N testified that she had never been approached by either Member identified by Page K. She denied under oath telling Page K that she had ever been approached by Members of Congress. Page O, who had been a roommate of Page N, testified that she knew of no statements that Page N had ever made and knew of no actions of Page N while they roomed together to suggest that Page N was ever sexually propositioned by any Member of Congress.

Conclusion

The Special Counsel has found no evidence to support the allegation, while other evidence has raised doubts about the credibility of the page making the allegation. The Special Counsel concluded that there was no basis for further investigation.

* * * * * * *

Allegation

Page K alleged that a supervisor in the Doorkeeper's Office promoted two "running" pages, Pages N and P, to more attractive positions solely based on favoritism. Page P was male and Page N female, but Page K implied that the favoritism was based on sexual relationships between the supervisor and the promoted pages.

Investigation

The supervisor testified that the promotion of Page P was based on such factors as performance, personality and intelligence. With regard to the promotion of Page N, the supervisor told the Special Counsel's office that the page was a good worker.

The supervisor's perception of the competence of the two pages is supported in statements made by their peers in interviews with the staff of the Special Counsel. Three former pages characterized the two as having had the "best reputations" with all the pages at the time of their appointments.

Both pages who were promoted were questioned by the Special Counsel's office. Both pages stated under oath that they knew of no occasion when an employee of the House used his office to obtain favors from pages. In an affidavit subsequently submitted to the Special Counsel's office, the page who made the allegation admitted that his suspicion was not based on any specific facts.

Conclusion

The Special Counsel found no evidence to support the allegations.

* * * * * * *

Allegation

The mother of two former House interns advised the Special Counsel's staff that her son had told her that male pages and interns were routinely approached with homosexual propositions by congressional staff. According to the mother, her son had related an incident in which he had gone to play chess at the home of a male administrative assistant who then made a sexual advance. In addition, the mother alleged that her daughter informed her that, while she was working on Capitol Hill, boys were often approached for homosexual affairs by Hill staff, but the girls were left alone.

Investigation

The Special Counsel's staff interviewed both the son and the daughter. The son said he had never been approached by any Member or employee of the House and denied knowledge of any sexual misconduct by Members, officers or employees of the House.

The son stated that, while an intern in a House Member's office in 1981, he had in fact met a male Senate employee who had made sexual remarks and physical advances toward him. He also said that the Senate employee had made advances toward other interns. This information has been provided to the Senate.

The daughter, who served as an intern in a House Member's office in 1976 and 1977, denied any knowledge of sexual misconduct by Hill staff and described her mother's account as being "definitely in error."

Conclusion

The Special Counsel found no evidence to support the allegation that House male pages and interns are routinely subject to homosexual advances. Allegations of sexual misconduct by a Senate employee were forwarded to the Senate Ethics Committee.

VIII. CONCLUSION

The Special Counsel recommends that the Committee accept this report as the Final Report on Improper or Illegal Sexual Conduct and make this report public.

The Special Counsel also recommends that the Committee take action in three cases:

First, the Special Counsel recommends that the Committee find that Representative Daniel Crane engaged in conduct in 1980 in violation of clause 1 of the Code of Official Conduct of the House of Representatives. As a sanction, Special Counsel recommends that the Committee recommend that the House reprimand Representative Crane.

Second, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation in the case of Congressman Gerry Studds alleging that Congressman Studds engaged in a sexual relationship with a House page in 1973 and that Congressman Studds made sexual advances to two other House pages in 1973, in violation of the Code of Official Conduct.

Third, the Special Counsel recommends that the Committee issue a Statement of Alleged Violation against James C. Howarth, Majority Chief Page in the Doorkeeper's Office, alleging that Mr. Howarth engaged in a sexual relationship with a 17-year-old House page under his direct supervision in 1980, that Mr. Howarth accorded this page preferential treatment as a consequence of their sexual relationship, and that Mr. Howarth purchased and possessed illegal drugs within the precincts of the House in 1979 and 1980, all in violation of applicable laws and standards of conduct.

Respectfully submitted.

JOSEPH A. CALIFANO, JR.

repeat of
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on p. 85

APPENDIX A

House Calendar No. 200

97TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT NO.
97-985

REPORT ON INVESTIGATION

REPORT

BY

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

PURSUANT TO

H. RES. 518

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

DECEMBER 14, 1982.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
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House Calendar No. 200

97TH CONGRESS
2nd Session
HOUSE OF REPRESENTATIVES
REPORT
No. 97-965

INVESTIGATION PURSUANT TO HOUSE RESOLUTION 518 CONCERNING ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT, ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS, AND ALLEGED PREFERENTIAL TREATMENT OF HOUSE EMPLOYEES BY MEMBERS, OFFICERS, OR EMPLOYEES OF THE HOUSE

DECEMBER 14, 1982.—Referred to the House Calendar and ordered to be printed

Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

On July 13, 1982, the House agreed to House Resolution 518. That resolution authorized and directed this Committee to conduct a full and complete inquiry and investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1) or (2).

On July 27, 1982, this Committee retained Joseph A. Califano, Jr., as Special Counsel to conduct the investigation. The Committee's Special Counsel thereafter assembled a staff and has carried out an extensive investigation.

The Special Counsel has filed an interim report with this Committee, which the Committee has approved, on the investigative work completed during the 97th Congress. The Special Counsel's interim report is attached as an Appendix to this Report.

I. ALLEGED IMPROPER OR ILLEGAL SEXUAL CONDUCT

The Special Counsel reported that most, but not all, of the investigation of sexual misconduct had been completed. The Special Counsel found that the evidence conclusively indicated that the highly-publicized charges of sexual misconduct made by two former pages were false. The basis for the Special Counsel's conclusions are set out in detail in his report.

In one instance, however, the Special Counsel recommended that the Committee initiate a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

In the case of the Preliminary Inquiry and of the matters still under investigation, the Committee voted to transmit all materials involved to the 98th Congress and to recommend these matters be completed as early as possible next year.

II. ALLEGED ILLICIT USE OR DISTRIBUTION OF DRUGS

The work of the Committee's Special Counsel in investigating allegations of illicit use or distribution of drugs involved Members, officers, or employees of the House has been carried out in coordination with the Justice Department and its Drug Enforcement Administration. Both the Committee's Special Counsel and the Department of Justice have a number of matters under active investigation.

In one instance, the Special Counsel recommended that the Committee open a Preliminary Inquiry. Based on that recommendation, the Committee voted to initiate that Preliminary Inquiry.

With respect to all the Special Counsel's work in investigating alleged illicit use of distribution of drugs, the Committee voted to transmit all materials involved to the 98th Congress with the recommendation that the investigation be completed promptly next year.

III. FURTHER RECOMMENDATIONS

The Committee further recommends:

(1) that the Committee on Standards of Official Conduct be constituted immediately upon the convening of the 98th Congress;

(2) that the 98th Congress agree to a resolution that provides the Committee on Standards of Official Conduct with the same powers and authority provided to this Committee by House Resolution 518.

IV. CONCLUSION

The Committee has carried out its work over the past four and a half months with a determination to fulfill its responsibilities under House Resolution 518 and to carry out the House's constitutional responsibilities under Article I, Section 5, to investigate and discipline violations by its Members, offices, or employees. The Committee believes that significant progress has been made. But the work that has been started must be carried forward vigorously and promptly. The Committee is confident that the 98th Congress will do so.

This report was adopted by a show of hands, 11 yeas, 0 nays, on December 14, 1982.

STATEMENT UNDER CLAUSE, 2 (B) OF RULE X

The Committee's oversight findings and recommendations are stated in sections I, II, and III of this report.

No budget statement is submitted.

APPENDIX

INTERIM REPORT OF THE SPECIAL COUNSEL TO THE HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

SPECIAL COUNSEL'S OFFICE

Joseph A. Califano, Jr., Special Counsel; Richard Cotton, Deputy Special Counsel; Hamilton P. Fox, III, Associate Special Counsel; and Gerald T. McQueen, Chief Investigator.

I. INTRODUCTION AND SUMMARY

On June 30 and July 1, 1982, tens of millions of Americans watched two teenagers, both former pages of the House of Representatives, with their faces shielded, declare on the CBS Evening News that they had been victims of sexual misconduct by Members of the House of Representatives. One page told of "homosexual advances" by Congressmen and Congressional staff. CBS said the page had been "homosexually harassed."

The experiences described by the other page shocked the nation. He said that he had engaged in sexual relationships with three Members of the House of Representatives and that he had procured male prostitutes for House staffers. He told his interviewer that homosexual relationships were part of the system of what a page had to do to get ahead in the House. In June and July of 1982, these two former pages repeated those assertions—although with some inconsistencies—to newspapers and other television reporters, to the Federal Bureau of Investigation, and to investigators for the Committee on Standards of Official Conduct.

On July 13, 1982, the house agreed to house Resolution 518 which authorized and directed the Committee on Standards of Official Conduct to investigate allegations of:

(1) Improper or illicit sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers or employees of the house in exchange for sexual favors or drugs.

On July 27, 1982, the Committee retained Joseph A. Califano, Jr., as independent Special Counsel to conduct the investigation. At the time of Mr. Califano's appointment as Special Counsel, Committee Chairman Louis Stokes stated that "his charge is clear and straightforward—to conduct the investigation that in his judgment is required and to advise the Committee of his findings and recommendations."

The Speaker, the Majority Leader, and Minority Leader of the House joined Chairman Stokes and the Committee's Ranking Minority Member Floyd Spence in assuring the Special Counsel that he would have the independence and resources to conduct a full and impartial investigation—"whatever investigation is necessary to ascertain the truth about the allegations that have been made."

This interim report details the results of that investigation in the 97th Congress. The report responds to the Chairman's charge that the Special Counsel report to the Committee on his findings and recommendations. This report of the Special Counsel sets out (1) the investigative work completed so far with respect to allegations involving sexual misconduct, (2) his findings and conclusions regarding this work, and (3) his recommendations on the work remaining to be done and on actions the Committee should take at this time.

IMPROPER OR ILLEGAL SEXUAL CONDUCT

The investigation conducted by the Special Counsel has extended beyond the original charges of sexual misconduct made by the two former pages. Pursuant to H. Res. 518, the Special Counsel has sought to determine whether there is any responsible evidence of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives involving congressional pages. The focus of the investigation has been on the period from July, 1981, through June, 1982. To assure completeness, however, the Special Counsel sought to contact every page employed by the House of Representatives during the past three years. The Special Counsel has also investigated allegations that he has received of sexual misconduct involving preferential treatment but not involving pages.

The Special Counsel has found no merit whatsoever in any of the original allegations of sexual misconduct made by the two former pages. One of these pages testified under oath that he lied about having sexual relations with Members of the House and about procuring prostitutes for anyone. The other page, who had referred to homosexual approaches by Congressmen, testified under oath about three isolated instances of conversations in public places that lasted less than two minutes and involved no improper actions. This page testified that he himself no longer believed, in at least two of these instances, that there were any sexual overtones. The Special Counsel also independently investigated these allegations and has determined that the evidence conclusively indicates that all charges of sexual misconduct made by these two pages were false.

In the course of the investigation, the Special Counsel has received allegations of sexual misconduct from a variety of sources, wholly independent of the two former pages. The Special Counsel has completed investigation of most of these allegations. In most of these cases, the Special Counsel found no evidence to support the allegations.

In one instance, however, the Special Counsel has found reasonable indications that improper or illegal sexual conduct by an employee of the House may have occurred and, therefore, recommends that the Committee open a Preliminary Inquiry.

Under the Committee's rules, a Preliminary Inquiry is convened when evidence has been presented to the Committee that reasonably indicates that a violation may have been committed and the Committee determines that the evidence presented merits further inquiry. The individual named in a Preliminary Inquiry has the opportunity to present to the Committee, orally or in writing, a statement concerning the allegations that have been made. At the conclusion of the Preliminary Inquiry, if the Committee determines that the evidence establishes that there is reason to believe that a violation occurred, the Committee may direct that a Statement of Alleged Violation be issued to the individual involved. Full hearings must be held by the Committee on a Statement of Alleged Violation to determine whether to report a recommendation for disciplinary action to the full House. In this case, the Special Counsel recommends that the name of the individual who is the subject of the Preliminary Inquiry not be released publicly unless and until the Committee votes to issue a Statement of Alleged Violation.

The Special Counsel believes the evidence developed in this case requires the Committee, under its rules, to initiate a Preliminary Inquiry now, even though the full course of the proceedings cannot be completed in this Congress. The Special Counsel recommends that the Committee commence this Preliminary Inquiry, transmit all materials relevant to this matter to the next Congress, and recommend to the House leadership that the Committee on Standards of Offical Conduct be constituted immediately upon the convening of the next Congress so that prompt action on this matter can be concluded expeditiously.

A small number of other instances of possible sexual misconduct involving pages or involving preferential treatment remain under investigation, and the Special Counsel recommends that the Committee transmit these matters to the next Congress with its recommendation that investigation of them be completed as early as possible next year.

The Special Counsel has found some evidence of other isolated instances of both heterosexual and homosexual advances to pages by individuals no longer associated with the House. Since these cases are beyond the jurisdiction of the Committee, investigation of these matters has not been pursued.

ILLICIT USE OR DISTRIBUTION OF DRUGS

In coordination with the Department of Justice and its Drug Enforcement Administration, the Special Counsel has been investigating allegations of illicit use and distribution of drugs involving Members, officers, or employees of the House. Both the Department of Justice and the Special Counsel have a number of matters under active investigation.

In one instance the Special Counsel has already found reasonable indications that illicit use and distribution of drugs by an employee of the House may have occurred and, therefore, recommends that the Committee open a Preliminary Inquiry now, under the same conditions described above with respect to the Preliminary Inquiry of sexual misconduct involving pages.

The rest of the Special counsel's investigation of alleged illicit use or distribution of drugs by Members, officers or employees of the House is not yet at a stage where a report can be made in writing to the Committee. The Special Counsel, therefore, recommends that the Committee transmit the evidence developed in this part of the investigation to the next Congress with the recommendation that the investigation be carried forward expeditiously.

THIS REPORT

The balance of this report describes the work of the Special Counsel to date in investigating allegations of sexual misconduct. It sets forth:

(1) The scope and method of the investigation of sexual misconduct.

(2) The current operation of the page system.

(3) The problems that developed during the 1981-82 year that sparked rumors of a "page scandal" and provided the springboard for sensational allegations in the press.

(4) The basis for the Special Counsel's conclusion that the specific charges made by the two former pages are false.

(5) The findings of the Special Counsel concerning other allegations, received in the course of the investigation, of alleged sexual misconduct by Members, officers, or employees of the House.

(6) The findings and conclusions of the Special Counsel concerning the February, 1982, investigation of pages conducted by the U.S. Capitol Police.

A. Scope

Pursuant to House Resolution 518, the Committee through its Special Counsel undertook an investigation to determine whether any Member, officer, or employee of the House of Representatives had engaged in any way in improper or illegal sexual conduct involving congressional pages.

The investigation focused on the period from July, 1981, to June, 1982, and on the allegations of two former pages that received national press attention beginning on June 30, 1982. But to ensure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods and about any kind of sexual advance, harassment, or relationship involving a congressional page and a Member, officer, or employee of the House. In this connection, the Special Counsel has tried to contact every page employed by the House of Representatives during the past three years. In addition, the Special Counsel investigated all information he received about alleged sexual misconduct by House Members, officers or employees involving preferential treatment even where that information did not involve congressional pages.

B. Method of investigation

Since Chairman Stokes and Ranking Minority Member Spence announced my appointment as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518 on July 27, 1982, I hae been able to conduct this investigation with complete independence. I have had complete freedom to make all appointments to the Special Counsel's staff, which has worked entirely under my direction, independent of the permanent staff of the Committee and of any other congressional office. The bipartisan leadership of the House and the members of the Committee on Standards of Official Conduct have provided the resources necessary to conduct a meticulous, searching, no-holds-barred investigation. In the course of this investigation, the Special Counsel has had the wholehearted cooperation of the Attorney General and the Justice Department.

C. The page system

During 1981–82, the House maintained 71 positions for pages. Pages must be high school juniors or seniors at least 16 but not more than 18 years of age at the time of appointment. Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees. Neither Committee has a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

Pages have a demanding daily schedule. Page School classes begin at 6:10 a.m. When the House convenes at noon, these classes typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5 p.m. or until the House adjourns for the day, whichever is later.

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsibile for supervising House pages during their working hours. Outside of working hours, no one has clear responsibility for supervision. In fact, the Handbook issued by the Doorkeeper specifically states that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

Pages must find their own housing. In 1981–82, approximately 25 female pages lived in Thompson-Markward Hall, a dormitory-like facility with a curfew and other rules. The Page House Alumni Association housed approximately ten male pages until it closed its doors in August 1981. The rest of the pages resided in groups of two to six in apartments at various places on Capitol Hill, or in housing obtained through a university housing service.

Pages living in apartments, had, in general, no adult supervision and no one easily available in the event of the trouble.

The lack of effective supervision of pages outside of working hours has been sharply criticized for many years. At various times over the past 15 years, for example, Members of the House have called the House's failure to provide better supervision "unconscionable" and "inconceivable."

D. Origin of allegations

The Special Counsel has found no support whatsoever for the sensational allegations and charges of homosexuality that launched this investigation. To the contrary, the evidence developed contradicts every one of the original highly publicized allegations made by the two former pages. Those allegations resulted either from out-and-out fabrication, overactive teenage imagination stimulated by conversations with a journalist, or teenage gossip which has in virtually every case proved to be utterly inaccurate.

In view of this conclusion, another important set of questions emerged in the course of the investigation: How and why did these charges come to be made? What was the source of the rumors of a "page scandal"?

It is clear that during the 1981–82 academic year, some pages behaved irresponsibly after working hours. There is abundant and convincing evidence, in the case of some pages, of excessive use of alcohol, all-night parties, some drug use, and a variety of other activities that no responsible parent would tolerate.

Leroy Williams, at the time a 17-year-old page in the House, left the page program abruptly at the end of January, 1982, when financial and other troubles became too much for him to handle. Events surrounding Williams' departure triggered an investigation by the Capitol Police of page drinking habits and parties, and of Williams' homosexuality. Two pages, unconnected to Williams, were terminated partly as a result of information developed by the Capitol Police investigation. This investigation, Williams' departure and the termination of the other two pages spawned rumors of a "page scandal." Though unreported in the press, these rumors came to the attention of many reporters.

In June, 1982, a CBS news reporter interviewed a 16-year-old page named Jeffrey Opp in Washington, D.C. and Williams in Little Rock, Arkansas. The Special Counsel requested that the reporter speak to investigators in the Special Counsel's office and offered him the opportunity to do so. The reporter declined that invitation.[1] Thus, the only information available about these interviews comes from the sworn testimony of Williams and Opp themselves. According to Opp, the reporter discussed with him lurid tales of sexual misconduct and homosexual prostitution in the Congress. The reporter asked whether Opp could confirm those stories or provide additional information. According to Williams, the reporter said Williams was being identified in Washington as a drug trafficker and "bad apple" who had been the source of the problems with the page system. The reporter told Williams he was offering him a chance to tell his side of the story.

Following these conversations, and on the basis of assurances that their identities would be kept secret, both teenagers agreed to give on-camera interviews with their faces shielded, to the CBS reporter. Those interviews yielded lies from Williams. In response to the reporter's questions. Opp twisted minor, at best ambiguous conversations with three Congressmen and one lobbyist and characterized them as "homosexual approaches."

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[1] The exchange of correspondence between the Special Counsel and CBS News appears at app. B.

Perhaps the most ironic twist of events was the role played by the CBS news reporter in bringing these charges to life. It appears to have been the reporter's discussion with Opp that inspired Opp to repeat these stories, with his own embellishments, to two of his Congressional sponsor's staffers. These staffers were initially suspicious of the sensational nature of Opp's charges. But, then this same news reporter told the staffers that Opp's charges had substance. It was these staffers who decided Opp should tell his story to the Justice Department. The Department decided to investigate, at least in part because the staff of a Member of Congress considered the allegations to be serious. That Justice Department investigation itself became the "news" to which CBS pegged its June 30 and July 1 Evening News reports, including the shielded interviews of Williams and Opp.

E. Leroy Williams

Leroy Williams attended high school in Little Rock, Arkansas, where he was a "B" student involved in extracurricular activities, and where he belonged to a strict, fundamentalist church.

Williams assumed his duties as a page on June 29, 1981. Throughout the period Williams served as a page, his work was considered satisfactory, although his performance declined toward the end.

It was after working hours that Williams had problems. When the Congress went into its 1981 mid-summer recess, Leroy Williams remained in Washington alone. At this point the 17-year-old Williams first engaged the services of a male prostitute; he used male prostitutes on fifteen different occasions between August and January, 1982, ten of those times during the August Congressional recess.

Williams drank alcohol more and more heavily. By January, 1982, he thought he was "literally an alcoholic." His use of drugs also increased sharply and he got into increasingly severe financial trouble. He failed to pay a large number of bills, wrote bad checks, and stole money.

Under increasing pressure, Williams finally left Washington by taking an automobile belonging to a fellow page.

After he arrived back home in Little Rock in February, 1982 Williams said he heard several reports from Washington that he was a "bad apple" and that he had been distributing illicit drugs. According to Williams, his anger and resentment came to a head in June, 1982, when the CBS news reporter appeared at Williams' home in Little Rock, and repeated these charges. Ten days later, on June 30, 1982, CBS News broadcast excerpts from its reporter's interview of Williams, creating a national sensation about homosexual relations between Congressmen and teenage pages.

Leroy Williams was interviewed by the F.B.I., various news organizations, and the Committee's staff in June and July, 1982. He did not tell the same story each time. But, in the course of these interviews, he claimed that he was propositioned by, and had sexual relations with, three congressmen, and that he arranged male prostitutes for a Senator and two other government employees. Williams also repeated to interviewers other allegations of sexual misconduct by Members and employees of the House which Williams claimed other pages had told him.

On August 26, 1982, Williams was reinterviewed by investigators from the Special Counsel's office, who had spent days documenting many inconsistencies and contradictions in Williams' allegations. Williams admitted to them that he had lied. On Saturday, August 28, 1982, he testified under oath at a deposition before the Chairman and Special Counsel of this Committee that none of the statements he had made about sexual misconduct were true. In subsequent testimony and interviews with the Special Counsel's staff, he also admitted that he did not believe most of the second hand information he had passed on.

The Special Counsel has concluded that there is no evidence to support any of Williams' original charges. In reaching this conclusion, the Special Counsel has not relied solely on Williams' recantation. Rather, the Special Counsel has conducted a detailed investigation of each one of William's allegations. Every bit of independent evidence collected supports the conclusion that Williams' original allegations were false and that he was telling the truth when he testified that he had lied about those charges.

F. Jeffrey Opp

Jeffrey Opp was the second page who appeared, with his identity concealed, on the June 30 CBS News Broadcast. Opp served as a page from January 4, 1982 until June 12, 1982. During the time he was a page, Opp went out of his way to challenge authority and to make people aware of his extreme political views. Not surprisingly, there was substantial tension between Opp and his supervisors in the Doorkeeper's office. He was known as a crusader, "someone who believed his goal in life was to change the system." Pages said Opp had a tendency to "blow things way out of proportion." The impressions of the staff who worked for Congresswoman Schroeder reinforce the view that Opp was prone to exaggeration. One staffer who had provided temporary housing to Opp for his first month in Washington said Opp had a "super-hyper imagination".

Opp's own behavior reflects this tendency. The day after meeting with the televison reporter, Opp told two persons on the staff of his congressional sponsor that he had worked undercover for CBS for two weeks, helping investigate Congressmen involved with male prostitutes. Opp claimed that his apartment had been bugged, and that his roommate was a spy from the Doorkeeper's office. As he later testified, none of these statements were true.

In Opp's broadcast interview, he alluded to "homosexual approaches" that Congressmen had made to him. In interviews with the Federal Bureau of Investigation and this Committee in June and July, Opp described four specific incidents which he described as homosexual approaches. He also reported other allegations of sexual misconduct based on hearsay information.

The Special Counsel has found no evidence to support any of these allegations.

The personal experiences that Opp reported with three Members of Congress and one lobbyist were little more than conversations, each less than two minutes, occurring in public places and involving no improper actions.

Opp's perspective has changed on most of his June allegations. In September, he told one of his friends among the pages that most of his stories had been inspired by the television news reporter who had sought him out three months before. Opp testified at his deposition that his TV interview "was a 16 year old kid satisfying his ego."

Based on a review of Opp's testimony and information provided by others, the Special Counsel has found him to be a highly impressionable teenager, with a tendency to place interpretations on events that appear to have no rational connection to what actually occurred. The Special Counsel found no basis whatsoever to conclude that anything improper occurred in any of the four conversations cited by him as the basis for his allegations about his personal experiences.

The second-hand information provided by Opp has also proved to be unsubstantiated. Much of it was nothing more than teenage gossip. None of it was accurate.

A careful evaluation of information provided by Opp has yielded not a single piece of responsible evidence that improper actions occurred. All the evidence the Special Counsel has developed—including significant changes in Opp's own story—indicates that there is no support for his allegations.

G. Other allegations

During the course of the investigation pursuant to House Resolution 518, the Special Counsel has received a number of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. In some cases investigations are continuing. But the Special Counsel has concluded his investigation of most of the allegations received. Part V-D of this report summarizes the allegations investigated where no evidence was found to support further investigation. No further investigation will be pursued where the allegations concerned persons no longer associated with the House of Representatives.

H. February 1982 page investigation by U.S. Capitol Police

The United States Capitol Police (USCP) conducted a brief investigation into allegations of misconduct involving pages in early February, 1982. The Committee decided that the February investigation should be reviewed to determine whether the Capitol Police had information relevant to the Committee's investigation pursuant to House Resolution 518.

The Special Counsel has reviewed the written records of the USCP investigation, and has interviewed or deposed the following individuals: the Capitol Police detective who carried out the investigation and his superiors; individuals in the offices of the Doorkeeper and the Sergeant-at-Arms; Members of the House and their staffs who received information about the investigation; and pages who were interviewed by the USCP.

Based on the evidence obtained in the course of this investigation, the Special Counsel has found that the Capitol Police investigation was based on allegations of misconduct by pages, and that at no time in the course of the investigation did the police receive any significant allegations of misconduct by anyone else. The Special Counsel has concluded the decision to terminate the investigation was reasonable from the point of view of the Capitol Police.

But there was a serious failure on the part of the House as an institution. The Capitol Police developed information about page misbehavior that required further action. Yet no one took the action that was plainly required—because no one is charged with responsibility for supervising the teenage pages after working hours.

Based on the evidence received in the course of this investigation, the Special Counsel believes that there is an urgent need for the House of Representatives to fix responsibility—formally and in writing—for the supervision of pages after working hours. In the Special Counsel's judgment, the lack of clear responsibility led directly to the failure to address the serious problems of misconduct that developed among the pages in 1981 and 1982. If the House chooses to employ teenage high school pages, establishing a page dormitory and a Page Board are steps in the right direction. But unless responsibility for supervision of teenage pages after working hours is clearly established, the problems that developed in 1981–82 are likely to recur.

II. SCOPE OF INVESTIGATION INVOLVING SEXUAL MISCONDUCT

A. Language and legislative history of House Resolution 518

The Special Counsel has taken the language and legislative history of H. Res. 518 as the guide in determining the proper scope of the investigation involving sexual misconduct.

Section 1 of H. Res. 518 directs the Committee to investigate "alleged improper conduct [1] referred to in this resolution [2] which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies. . . ."

The conduct "referred to in this resolution" is the conduct described in the "Whereas" clause of the resolution, specifically,

> (1) alleged improper or illegal sexual conduct of Members, officers, or employees of the House;
> . . . and
> (3) the offering of preferential treatment by Members, officers, or employees to employees of the House, including congressional pages, in exchange for any item referred to in subclause (1). . .

The discussion of H. Res. 518 on the House floor on July 13, 1982, leaves no doubt that the "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" referred to conduct involving pages.

The resolution was introduced by Chairman Louis Stokes and Ranking Minority Member Floyd Spence on July 13, 1982, in the aftermath of reports of sexual misconduct involving pages. Chairman Stokes explained that, on July 1, he had instructed the staff of the Committee "to commence a thorough investigation of the allegations as reported by the media at that time." 128 Cong. Rec. H4012 (daily ed. July 13, 1982). He urged passage of the resolution to enable the Committee to "proceed in an orderly fashion in pursuing this investigation." Id.

Representative William Alexander, who spoke in favor of the resolution, referred to "allegations of scandal . . . levied against the Members of Congress as well as the pages who assist them." Id. at H4035. He then quoted from a letter he had received from a former page, stressing the page's hope that "the Congress will take speedy action to restore the honor, dignity, and pride that pages enjoy who have served in the Congress." Id.

Representative Margaret Heckler, who urged the appointment of a special prosecutor to investigate the allegations, stated:

> We are dealing here with entirely new and far more sensitive areas of abuse of power if the allegations are true. I think we have a responsibility *to the young people who are the pages,* to our service in this Congress, and to the people of America, to the parents, to the Congress itself, to deal with the sensitivity of this situation so as to inspire confidence in the integrity of this Congress. Id. at H4036 (emphasis added).

The resolution's reference to conduct "which has been the subject of recent investigations by the Department of Justice and other law enforcement agencies" reinforces the conclusion that the sexual misconduct to be investigated involves congressional pages. In the area of sexual misconduct, the "recent investigation" by the Department of Justice and the Federal Bureau of Investigation concerned allegations about misconduct of House Members and employees involving pages. In addition, the United States Capitol Police had conducted an investigation in February, 1982, which also focused specifically on House pages.

The intended meaning of H. Res. 518 appears clear. The references to "alleged improper or illegal sexual conduct" and the "offering of preferential treatment" are directed at sexual misconduct involving pages. The first phase of the Special Counsel's investigation has, therefore, addressed this subject.

This phase of the investigation focused on the period from July, 1981, to June, 1982,[2] and on allegations made by two former pages that received national press attention beginning on June 30, 1982. To insure a thorough inquiry into all matters within the scope of H. Res. 518, the Special Counsel sought out information about earlier periods. In addition, to the extent that the Special Counsel received information about alleged sexual misconduct by House Members, officers or employees involving preferential treatment that did not involve congressional pages, but fell within the literal terms of H. Res. 518, the Special Counsel also investigated such allegations.

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[2] This time period covers the terms of service of virtually all the pages whose employment overlapped with that of the two pages whose allegations were reported in news broadcasts on June 30, 1982 and July 1, 1982.

Finally, H. Res. 518 refers to "Members, officers, or employees" of the House. In keeping with this language and the jurisdiction of the Committee, the scope of the investigation has not extended to allegations concerning former Members, officers, or employees.

B. Definition of sexual misconduct

In recognition of the special situation of congressional pages, the Committee and its Special Counsel have broadly defined "improper sexual conduct" in determining whether particular allegations involving pages should be investigated.

House pages are generally high school juniors and seniors, between 16 and 18 years of age. By statute, they cannot be appointed until their parents or legal guardians have been fully informed of the nature of their work, pay and working conditions, and the housing accommodations available to them.[3]

Congress plainly accepts a considerable responsibility for pages.[4] That responsibility is necessarily shared by every Member, officer and employee of the House. Where preferential treatment is, expressly or implicitly, an element of a sexual relationship between a Member, officer or employee and a page, or an element of a sexual overture or advance directed at a page, the conduct explicitly falls within H. Res. 518. But considering the young age of these pages and the fact that they are away from home and dependent on the House for school, work and money to live on, any sexual advance or relationship of any kind involving a page and a Member, officer or employee potentially entails an element of either preferential treatment or coercion, and hence an abuse of office or position.

The investigation has, therefore, proceeded on the assumption that any sexual relationship, whether homosexual or heterosexual, between a page and a Member, officer or employee, or any sexual harassment, overture or advance directed at a page by a Member, officer or employee, should be investigated as potentially "improper sexual conduct" under H. Res. 518.

C. Allegations involving the Senate

In some instances, the Special Counsel has received information bearing on Members, officers, or employees of the Senate. The Special Counsel has not investigated these matters because the jurisdiction of the Committee runs only to the House. At the direction of the Committee and in accordance with arrangements with Senate Majority Leader Howard Baker, the Special Counsel has referred all such information to the Select Committee on Ethics of the U.S. Senate.

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[3] 2 U.S.C. § 88b-1(a)(2).

[4] On a number of occasions the House has considered discontinuing the use of high school teenagers as pages. For example the Legislative Reorganization Act of 1970, Public Law 91-510, 84 Stat. 1198 (1970), as originally introduced, would have barred the appointment of pages who had not yet completed the twelfth grade of their secondary school education, 116 Congressional Record 32.229 (1970). Among the reasons commonly offered for using older pages is the desirability of minimizing or eliminating Congress's supervisory responsibility for pages. See e.g., Speaker's Commission on Pages, report to the Speaker, 97th Congress, 2d Session 7 (1982); H. Rept. 91-1215, 91st Congress 2d Session 29-30 (1970).

III. HOW THE INVESTIGATION WAS CONDUCTED

A. Appointment of the Special Counsel and staffing of the Special Counsel's Office

Shortly after Chairman Stokes and Ranking Minority Member Spence announced the appointment of Joseph A. Califano, Jr. as Special Counsel to the Committee to oversee the investigation authorized by H. Res. 518, Mr. Califano assembled the staff of the Special Counsel's office. In staffing the office, as throughout the investigation, the pledges of independence were unequivocably supported by the Democratic and Republican House leadership.

Mr. Califano appointed Richard Cotton as Deputy Special Counsel, Hamilton P. Fox, III, as Associate Special Counsel, and Gerald McQueen as Chief Investigator. Mr. Cotton, a partner in Mr. Califano's law firm, had just completed a six-month internal investigation for an international labor union. Mr. Fox had served as a federal prosecutor for six and a half years, as an Assistant U.S. Attorney, Deputy Chief of the Justice Department's organized crime section, and a member of the Watergate Special Prosecution Force. Mr. McQueen, a New York City homicide detective with 23 years' experience, had won national recognition as the commander of an elite detective squad assigned to solve Manhattan's most difficult homicide cases.

The staff of the Special Counsel's office has averaged nine lawyers, seven investigators, three researchers and six clerical employees.

B. Characteristics of the investigation.

Since July 27, 1982, the Special Council's office has attempted to investigate every specific allegation[5] that has come to its attention concerning the subject matter of H. Res. 518. In addition, the office has mounted wide-ranging efforts to contact individuals who might have information bearing on the subject matter of the investigation.

Attorneys and investigators on the Special Counsel's staff have carefully examined and followed up hundreds of leads, allegations and rumors. They have interviewed more than 150 individuals, many more than once, and conducted more than 50 despositions. They have travelled some 40,000 miles to interview witnesses in 40 cities. Forty-five subpoenas have been issued: 31 to compel oral testimony, 14 to compel production of documents. In addition, the office has made numerous requests to such agencies as the FBI, the United States Capitol Police and the Metropolitan Police and to the broadcast media for materials which were voluntarily produced. Where necessary to follow up on specific allegations, investigators have reviewed financial and telephone records.

While it was essential to investigate each one of the specific allegations that prompted the passage of H. Res. 518, the Special Counsel decided that the mandate of H. Res. 518 required the Committee to seek out information that might bear on the subject matter of the investigation from all available sources. The Special Counsel initiated a number of separate inquiries to carry out this obligation.

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[5] Some allegations concerned events so far in the past or were so vague that investigation was not practicable.

First, lawyers and investigators interviewed more than 75 pages who had recently served in the House, and personnel in the Doorkeeper's office whose duties include supervision or direction of pages.

Second, the Special Counsel sent a letter requesting any information bearing on the subject matter under investigation to each of 516 former pages who had not already been contacted in person. These individuals served in the House of Representatives from September, 1979, through August, 1982. The text of this letter is reproduced in Appendix B to this report. Eighty-nine pages responded; 71 responded in writing, an additional 18 by telephone. Most said they had no information, but 11 responses contained relevant information or allegations of misconduct that required further investigation.

Third, the Special Counsel requested and obtained from the Capitol Police all documents and records for the years 1977 through 1982 that contained information bearing on the subject matter under investigation.

Fourth, the Special Counsel made similar requests of the Doorkeeper of the House of Representatives, whose office is in charge of the page system, and of the Sergeant-at-Arms of the House of Representatives, who, together with the Sergeant-at-Arms of the Senate and the Architect of the Capitol, directs the Capitol Police.

Fifth, lawyers and investigators interviewed current and former teachers at the Capitol Page School concerning their knowledge of the subjects under investigation. Investigators also reviewed files of individual pages at the Capitol Page School and interviewed teachers from other educational institutions who had had contact with pages in seminars and special classes.

Sixth, the Special Counsel's office examined a comprehensive compiliation of press reports on the subject matter of H. Res. 518 and viewed videotapes of television news reports to identify specific allegations that merited investigation.

C. Relationship with the Department of Justice

From June through August, 1982, the Department of Justice investigated allegations of sexual misconduct by Members of Congress and their staff. On August 31, 1982, the Department announced that it had closed that investigation because, as a Department spokesman stated, "there is insufficient evidence to warrant a Federal prosecution or further investigation."

On behalf of the Committee, the Special Counsel requested that the Attorney General make available to the Committee and its Special Counsel all written materials developed by the FBI in carrying out this investigation. On September 29, 1982, the Public Integrity Section of the Justice Department transmitted to the Special Counsel 244 documents, consisting primarily of summaries of interviews carried out by FBI agents in the course of this investigation. The names of certain witnesses who had requested confidentiality were deleted. The Justice Department informed the Committee that, with this exception, it had provided all the evidence collected.

D. Limits on the investigation

Any investigation of "improper or illegal sexual conduct" poses difficult obstacles and delicate problems. The Special Counsel's office has had to depend in large measure on interviews and depositions under oath to investigate these matters. Developing evidence depends on the willingness of individuals to come forward and to respond honestly to investigator's questions.

The investigation that has been conducted has, in the judgment of the Special Counsel, been as thorough as is reasonably possible. In an area involving such intimate conduct, such human sensitivity and so many individuals, it will never be possible to declare with certainty that every instance of what every citizen would consider "improper sexual conduct" has been detected. But the Committee, the House and the American people can be assured that every effort was made to contact individuals who might have relevant information. Every allegation put forward has been and will be pursued to the point where the Special Counsel concludes that there is no basis for it in fact, or that a preliminary inquiry is justified.

This has not been an inexpensive or pleasant task. It has taken much time, persistence, and patience on the part of Members of this Committee and attorneys and investigators in the Special Counsel's office, and the support of bipartisan House leadership and the Committee on Standards of Official Conduct. for many young Americans, a good number still teenagers, this investigation has been a difficult experience. But it has taken this kind of inquiry to provide the American people the assurance that the House of Representatives has the institutional stamina and courage to investigate its Members, officers, and employees searchingly and thoroughly.

IV. BACKGROUND: THE PAGE SYSTEM OF THE HOUSE OF REPRESENTATIVES

Because this investigation focused on pages and their relationships with Members, officers and employees of the House, it is essential to begin with an understanding of the page system. The House has relied on teenage pages as messengers since the early 1800's, and the system has survived many debates about its desirability, including the most recent review conducted this past summer by the Speaker's Commission on Pages. The key features of the page system—the selection process, the duties of pages, and the extent to which they are supervised—are described briefly below.

A. Selection process and qualifications

During 1981-82, the House maintained 71 positions for House pages. Most page appointments run for six months or a year, although some appointments—typically in the summer—are for periods of two months or less.

Pages are nominated by a House Member and selected by the Democratic and Republican Personnel Committees from the candidates nominated. At the time of appointment, they must be high school juniors or seniors, at least 16 but not more than 18 years of age. The Republican Personnel Committee requires that pages have had at least a "B" scholastic average in their home town high school; the Democratic Committee requires at least a "C" average.

Any Democratic Member of Congress may submit a recommendation to the Committee on Democratic Personnel requesting than an individual be appointed as a Democratic page. Typically, these recommendations provide the Committee with some information about the candidate, but the Committee has no application form and requires no specific information other than a birth certificate. The nominations are not considered on any particular date. The Committee's staff accumulates nominations until approximately ten are pending. These nominations, ranked according to the seniority of the Member making the nomination, are then submitted to the Committee Chairman, who makes the selections. The Committee conducts no independent check of a page's qualifications. The sponsoring Member is responsible for screening applicants and establishing that they meet the age, school year, and academic criteria.

The Committee on Republican Personnel has a printed application form, which requires a school transcript, an essay on why the applicant wants to be a page, a statement of extracurricular activities, and letters of recommendation. The Committee also requests that the Member personally interview the applicant and requires that sponsoring Members return the application materials by April 1 of each year. Information on each candidate is summarized by the Committee's staff, and page selection is made by Committee vote. In selecting pages, the Committee gives preference to Members who have not previously sponsored a page.

Neither Committee has established a systematic process for assessing the maturity of page candidates or their ability to handle the freedom that pages enjoy in Washington.

B. Duties of House pages

Pages do not work for the individual Members of Congress who sponsor them. They receive direction from the staff of the Doorkeeper of the House, and work out of a central location just off the House floor.

Pages never become involved in the substantive give-and-take of the legislative process. Their duties are exclusively those of clerical workers and messengers. They are generally assigned to the House floor, to the Democratic or Republican Cloakroom, or to positions as "running" pages. A page assigned to the House floor carries messages to and from Members and assists in assembling and distributing legislative materials on the floor. A page assigned to the Democratic or Republican Cloakroom answers telephones, carries messages to Members, and performs chores requested by Members while they are in the Cloakroom. "Running" pages deliver materials to congressional offices and to Members on the floor. Several pages serve as documentarians, processing Hosue documents and operating the system of bells that call Members for votes. One is assigned as the Speaker's page.

The daily schedule of all pages, regardless of their assignment, is demanding. All are required to attend the Capitol Page School. Those enrolled for credit must maintain a "C" average; the rest are required to bring assignments from their home school and observe supervised study hours. Classes at the Capitol Page School begin at

6:10 a.m. and, on days when the House convenes at noon, typically run until 9:45 a.m. or 10:30 a.m. When the House convenes earlier, class sessions are abbreviated so that pages can report to work at least an hour before the House starts. Except for meals, the pages remain on duty until 5:00 p.m. or until the House adjourns for the day, whichever is later.

C. Supervision of pages

(1) Working hours

The Doorkeeper of the House of Representatives, who is elected by the Caucus of the Majority Party, is responsible for supervising House pages during their working hours. The four to six pages working in the Democratic Cloakroom and the similar number working in the Republican Cloakroom report to the respective Managers of the Cloakrooms. The Democratic and Republican floor pages report, respectively, to the Majority and Minority Chief Pages, who are adult supervisors employed by the Doorkeeper of the House. The "running" pages, who are also supervised by the Majority and Minority Chief Pages, have intermediate supervisors drawn from the ranks of the pages themselves. These page "overseers" answer the telephones to receive requests for messenger service and then make assignments to "running" pages.

While the Doorkeeper of the House has overall responsibility for the pages, the Deputy Doorkeeper exercises disciplinary authority and receives reports from the two Cloakroom Managers and the two Chief Pages.

(2) Nonworking hours

Outside of working hours, no one has responsibility for supervision. In fact, the Handbook issued by the Doorkeeper specifically asserts that it is a condition of appointment that:

> Parents or Guardians must file with the Doorkeeper of the House, a written statement assuming full responsibility for the safety, well-being, and supervision of the Appointee while living in the District of Columbia area and traveling to and from the House of Representatives.

No individual in the Doorkeeper's office is formally responsible for counseling pages on problems outside of work or for seeing that they stay out of trouble. Some individuals in the Doorkeeper's Office show a good deal of concern for the pages' well-being, especially when it becomes apparent that a page is in some kind of difficulty.

The salary of teenage House pages—approximately $700 every month—represents far more money than most of them have previously had to manage.

Pages are responsible for finding their own housing. In 1981–82, pages generally resided in groups ranging from two to six in apartments located at various places on Capitol Hill, or in housing obtained through a university housing service. Apartments are frequently passed on from one page to another. Pages living in apartments had, in general, no adult supervision and no one easily available in the event of trouble.

Approximately 25 female pages lived in Thompson-Markward Hall, referred to by the pages as the "Y" because it is a dormitory-like facility with relatively strict curfew and other rules. The Page House Alumni Association, a non-profit organization created through the efforts of an employee of the Doorkeeper's office, provided dormitory-style housing for about ten male pages until August of last year.

Committee investigators interviewed the managers of seven apartment buildings in which pages resided. These individuals had been renting to pages for periods of time that range from slightly over one year to 40 years. Most were complimentary about the conduct of the pages, and reported no knowledge of serious alcohol, drug or other problems with pages who had been their tenants. One, however, complained about excessive drinking and loud and boisterous parties.

The lack of effective supervision of pages after working hours has been sharply criticized for many years. Members of Congress have frequently called attention to the problem. In 1969, for example, Representative Andrews of North Dakota noted:

> It is unconscionable for Congress to bring these boys to the Washington metropolitan area and put them in some catch-as-catch-can accommodations where they lack supervision and decent quarters. If we are going to have high school boys working for the Congress they should have adequate quarters and proper supervision." Hearings before the Legislative Branch Subcommittee of the Committee on Appropriations, 91st Cong., 1st Sess. 497 (1969).

In 1970, Representative Green of Oregon stated:

> It is inconceivable to me that this situation has been allowed to continue. * * * We bring youngsters—oftentimes from rural areas—turn them loose in a metropolitan area with more money than they have ever before had in their pockets and with absolutely no supervision in off hours. * * * [I]t is incumbent upon us to provide these facilities in terms of housing and also in terms of classrooms. They find their own rooms in rooming houses or in tourist homes. I repeat—they have no supervision at all in their spare time. There is absolutely no one who is looking after their nutrition, their meals. 116 Cong. Rec. 32278 (1970).

Testifying this past summer before the House Subcommittee on Legislative Branch Appropriations, the Doorkeeper of the House stated:

> They [the pages] are wards of the Congress. Once we bring them here, we have to assume some responsibility. We have already had some incidents. * * * It is a very serious problem. Hearings on Legislative Branch Appropriations before Subcommittee on Legislative Branch Appropriations of the House Committee on Appropriations, 97th Cong., 2nd Sess., pt. 2 at 49 (1982).

Because of concern over the absence of effective supervision, Congress has on a number of occasions considered discontinuing the use of high school age pages.

V. RESULTS OF INVESTIGATION

The publicity given to the allegations made by Williams and Opp gave new life to every rumor and piece of gossip any page had ever heard. Once the House commissioned an investigation of sexual misconduct involving pages, any allegation repeated seriously by a page had to be investigated. Investigators have reconstructed conversations and rumors that were born in a milieu of teenage gossip and braggidocio. Investigators have time after time tracked a story from one page to another and finally to its source. In most instances, these allegations have proved without foundation—the result of a teenager trying to sound experienced, or the result of a drunken story invented on the spur of the moment at a party. Hundreds of hours of investigation have been required to reach these conclusions, and the results are set out below.

Not all of the allegations of sexual misconduct received by the Special Counsel have yet been fully investigated, however. In one case, the Special Counsel has recommended that a Preliminary Inquiry be initiated by the Committee, and the investigation of this case is continuing. The Special Counsel also continues to investigate a limited number of other allegations of sexual misconduct. No details will be provided at this time on any of the matters still under investigation.

This section discusses, first, the origins of the rumors about a "page scandal," and the events leading up to the charges made by Williams and Opp. The second and third parts of this section then examine in detail the allegations made by Williams and Opp, the investigation of these allegations, and the basis for the findings and conclusions reached by the Committee's Special Counsel.

Finally, the fourth part of this section briefly reviews a variety of other allegations of sexual misconduct received by the Special Counsel and his findings and conclusions concerning them

A. The origin of the allegations

(1) The 1981-82 year: The extent of alcohol use, drug use, and other misbehavior among pages

(a) Overview.—The Committee's investigation has found evidence of serious misbehavior by at least some of the pages during nonworking hours over the 1981-82 year. These problems mirror those found elsewhere in the nation—alcohol abuse, drug abuse, late-night parties—but they were intensified by the complete freedom teenage pages enjoyed and the lack of any supervision after work.

Information provided to the Special Counsel indicates that many House pages routinely drank alcoholic beverages during the 1981-82 year, and many got drunk at large parties that occurred almost weekly. A lesser but still significant number of pages drank excessively at smaller gatherings that occurred two or three times a week. A small number of pages also used drugs—caffeine pills, marijuana, and, in at least some instances, cocaine. Some pages used amyl nitrate, an over-the-counter substance inhaled through the nose. Information obtained by the Special Counsel indicates that alcohol abuse was far more prevalent than the use of other drugs. For example, pages often described the extent of marijuana use to Committee investigators as no more, and some said it was less, than they had witnessed at their home high schools.

Individual experience differed markedly. Pages tended to form small cliques, and a page's experience outside of work depended on his or her clique. The information provided to the Special Counsel suggests that the pages feel roughly into three groups. One group, generally those who lived in the supervised housing, abstained almost entirely from use of alcohol and other drugs. A second group, the largest numerically, tended to follow a middle path: They consumed alcoholic beverages (primarily beer) on occasion, and some in this group, particularly at parties, did drink to excess. This group experimented little with drugs. Finally, a third group—pages who lived in apartments and who saw themselves as more "mature" and independent—had the least disciplined life style. They attended more parties, drank a great deal, and were far more likely to use drugs.

(b) Alcohol abuse by pages.—The major drug problem that the pages themselves perceived was alcohol. Virtually every page interviewed on the subject stated that alcohol was easily available to underage pages from certain restaurants, bars, and liquor stores in the Capitol Hill areas of Washington.

The Special Counsel received information that pages generally consumed alcohol in three different circumstances: at lunchtime, at small informal gatherings at night, or at larger parties given by and attended by pages.

Pages generally ate lunch in the government cafeterias on Capitol Hill. On occasion, however, pages would journey a few blocks to several restaurants on Pennsylvania Avenue and elsewhere in the area of the Capitol. The Special Counsel received varied testimony and information as to how frequently pages went to restaurants at lunch time. One page testified that some pages went out often and would frequently get drunk at lunchtime. Another testified that one page had been sent home after lunch for being drunk. Two pages testified that they ate at the Pennsylvania Avenue restaurants a maximum of three to four times during the year, drank beer, but never got intoxicated. Another page discounted the stories of drinking at lunch as teenage boasting.

Pages engaged in different activities after working hours. Some reported that they had little social life; they simply returned to their living quarters, ate dinner, did homework, and went to bed early, because they had to arise at five a.m. each weekday. Others led more active social lives. For example, a group of five or six pages—of whom Leroy Williams was one—would gather at one another's rooms two or three evenings a week. At such gatherings, beer was the standard drink and hard liquor was often available. These gatherings sometimes became all-night sessions—with pages "passing out," sleeping in their clothes until it was time to go to class.

During the 1981–82 year, pages also attended a number of larger parties. Estimates on the frequency of these parties have ranged from once a week to once a month. The variations in these estimates can be attributed to the frequency with which individual pages heard of or attended parties, and to differences in defining what constituted a "party," as distinguished from a more informal get-together. Nonetheless, large parties apparently occurred with some frequency. Alcoholic beverages were available at these parties, including hard liquor as well as beer. A good deal of drinking took place at these parties, and it was not uncommon for pages to become intoxicated.

For example, one page testified that at "every party that I attended" alcohol was consumed, and that pages got drunk at "most" page parties the page had attended. Two other pages testified about parties at which they might have had so much to drink that they could not remember conversations or events that took place at the party. Another testified the pattern changed during the course of the year:

> I think pages abused that privilege of being on their own, so they drank when they first got there. But after the first few months some maintained drinking but some just dropped it and thought it was rediculous, a waste of time, you know, do it every now and then. But the way they first came, it was-like every single night, school nights and everything.

Several parties stood out in the minds of individual pages because of specific events. Pages recalled one party where a fight broke out between a page and two non-pages; another where Leroy Williams was so drunk he fell and cut himself badly; one where a female page developed a nose bleed as a result of inhaling something; a fourth which was a "going-away" party for Leroy Williams; a year-end party where both alcohol and marijuana were available to pages.

In summary, alcohol use was extensive among pages during the 1981–82 year, and among some groups of pages and individuals it was seriously out of hand.

(c) Drug abuse by pages.—The Special Council has not completed the investigation of allegations concerning illicit use or distribution of drugs by Members, officers, or employees of the House. This report does not set forth any specific findings concerning such use or distribution. But it would be incomplete and misleading to address the sexual allegations involving pages without providing as background a description of the general sense obtained to date of drug use among the pages during 1981–82. Since these matters are still the subject of an active investigation by the Special Counsel and the Department of Justice, the summary presented here must necessarily be both partial and general.

The information gathered by the Special Counsel to date indicates that there was drug use by some pages during 1981–82. This drug use fell into four categories:

First, some pages used high dosage caffeine pills, amphetamines, or diet pills normally available only by prescription. Often these pills were used to keep awake during school and working hours.

Second, some pages used amly nitrate, a substance known colloquially by a variety of names: "poppers," "rush," or "locker room." This substance comes in hard capsules which are broken open to allow the substance to be sniffed and gives the user a "rush." It is reputedly used to enhance sexual performance. This substance is available over the counter.

Third, some pages smoked marijuana. The information obtained to date is not sufficient to determine the extent of marijuana used among the pages. But pages have said that it was used occasionally by some pages and that marijuana was smoked by a few pages at parties.

Fourth, the evidence received to date indicates that four pages may have used cocaine on a few occasions, although there is conflicting evidence on whether all four used it and, if so, how often. The information obtained to date is also not sufficient to reach a firm conclusion at this time about the extent of cocaine use among pages.

The evidence the Special Counsel has received, therefore, indicates that illegal drugs were used by some pages during 1981-82. No use of drugs by teenagers can be viewed as anything other than a grave and serious matter. But the evidence received to date indicates that the majority of pages did not use drugs during 1981-82.

(2) Events of January to June, 1982

(a) Leroy Williams' departure from Washington, D.C.—The departure of Leroy Williams from Washington, D.C. is the event that brought attention to the activities of some pages. Williams had arrived as a page in June, 1981. He had been promoted to the position of page overseer in July, 1981. To all outward appearances he was doing well throughout the Fall of 1981. To the other pages, Williams appeared to have a lot of money, dressed well, and moved with a group of pages that partied and drank a lot.

On Friday, January 29, 1982, Williams turned his books in to the Secretary of the Capitol Page School. That night there was a farewell party for him. He left Washington that weekend.

Williams' departure might have been both the beginning and the end of the story were it not for Williams' landlady. She had been in regular contact with Williams' supervisor in the Doorkeeper's office, seeking assistance in collecting back rent. The Tuesday after Williams' departure, she reported to his supervisor that Williams had left behind some things in his room, including someone else's wallet. The supervisor informed her that the owner of the wallet was a page who had reported her wallet missing from the House Republican Cloakroom about two weeks earlier.

Based on this information, the landlady contacted the Capitol Police.

(b) The Grossi investigation.—When the page's wallet had first been reported missing, the Capitol Police had assigned the matter to Sgt. John Grossi of the Criminal Investigation Division. On February 2, 1982, Williams' landlady met with Grossi and gave him the missing wallet. She informed Grossi that she had found the wallet when she was cleaning out the room of Leroy Williams.

Williams' landlady also told Grossi, that she had information concerning misconduct by pages. Grossi testifed that she said that there had been "wild parties" at Williams' apartment and that "quite an amount of liquor and beer had been consumed." She reported receiving many complaints of loud all-night parties and broken liquor bottles in the trash area of the apartment building.

Finally, the landlady told Grossi about "pornographic material" which she found in Williams' room. According to Grossi, she said that she had found "a particular type of magazine that lists homosexuals and . . . how you can get in touch with them."

During the next nine days, from February 2 to February 11, 1982, Grossi investigated not just the page's stolen wallet, but general misconduct of pages, including possible page involvement in homosexual activities.

Grossi interviewed eight pages. Both his recollection and his contemporaneous written reports indicate that the pages he interviewed confirmed that parties had occurred at which pages drank heavily. Grossi pressed for details in his interviews about the use of alcohol and the use of drugs among pages. He questioned the pages about Williams' homosexuality, about homosexuality among other pages, and about sexual activity between pages and "non-page adult." According to Grossi's recollections, he did not ask questions about sexual activity involving either Members of Congress or congressional staff. He testified he had no reason to ask these questions because he had received no information suggesting such involvement. Nonetheless, it appears that at least two of the pages whom he interviewed interpreted his questions to mean that he was asking about Members of Congress and about congressional staff.

Grossi's reports list eight pages as directly or indirectly involved in loud parties, excessive drinking, forays to the Fourteenth Street "red light" district allegedly in search of prostitutes, or use of amyl nitrate. Grossi testified several pages told him that "the problem would no longer be a problem . . . if they just got rid of a certain group that was causing these problems."

In the course of his investigation, Grossi provided his written reports to Benjamin Guthrie, the Sergeant-at-Arms of the House. Guthrie provided information and copies of the reports to James Molloy, Doorkeeper of the House. Molloy in turn discussed these matters with several of his subordinates, at least some of whom also read Grossi's reports.

In a February 11, 1982 meeting, Guthrie directed Grossi to close his investigation.[6]

(c) Actions following Grossi investigation.—Based on the information that Grossi developed, three actions occurred:

1. Two pages were terminated—technically on the grounds that they had grades below a C average at the page school.
2. Doorkeeper Molloy informed sponsors of pages mentioned in Grossi's report that their pages' names had come up in the investigation.
3. Certain individual pages were reprimanded, and all pages were cautioned about their personal behavior.

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[6] A further discussion of the Capitol Police investigation appears in Appendix A.

Page terminations: One page reported by Grossi as a source of problems—Williams—had already left Washington. Molloy removed him from the page rolls to reflect administratively what had already occurred in fact.

During the Grossi investigation, Molloy discovered that two of the pages named in Grossi's reports had just then received midterm grades which fell below a C average. These two pages had come to his attention as poor workers in the past. He decided to terminate these two pages. To avoid giving them a bad record, Molloy justified the termination entirely on the basis of their grades. Molloy's recollection is that he simply informed the sponsoring Members that the pages were being sent home.[7]

Molloy discussed another page identified by Grossi as a troublemaker with the page's immediate supervisor, and with the sponsoring Member. The supervisor reported to Molloy that the page in question was a hard worker and carried out his duties well. Molloy testified that the page's sponsor argued against the page being sent home on a number of grounds. Based on these conversations, Molloy decided not to terminate this page. But he asked the supervisor to have a tough conversation with the page and give him a strong warning that, if any further reports of misbehavior were received, he would be terminated.

Notification to Members: Guthrie and Molloy testified that they had one conversation with the Speaker of the House about the Capitol Police investigation shortly after the investigation began. The Speaker asked Molloy to notify the congressional sponsors of pages whose behaviour was under investigation. Molloy made a round of visits and telephone calls to carry out this instruction. In some circumstances, he could not reach the Member personally, and in some of those instances he provided the information to the Members' staff.

General followup by Doorkeeper's Office: About the middle of February, the Deputy in the Doorkeeper's Office, Jack Russ, convened a meeting of all pages. Russ covered a number of topics at this meeting. He included a strong warning to all pages against bouncing checks, drinking alcohol, or giving or attending wild parties. He alluded to the departure of several pages, with the implicaton that he hoped that there would be no further problems. Either at this meeting or at other times, pages received the clear impression that the Doorkeeper's Office did not want them to discuss these matters with the press.

(d) Rumors of a "page scandal" and press followup.—By mid-February, 1982 many people knew of the Capitol Police investigation and the existence of some page problems. The pages themselves were very much aware of the inquiry. The eight pages whom Grossi interviewed and the several additional pages named in his report were acutely interested in what the Capitol Police were finding. The nature of some of Grossi's questions to the pages inevitably had fueled speculation. Rumors abounded as interviewed pages

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[7] Staff members of the sponsoring Members recall that Molloy mentioned that the pages being dismissed had been named in an investigation. But staff of one of the Congressional sponsors believed that it was the sponsoring Member, and not Molloy, who decided to send the page home on the basis of bad grades. The sponsor of the other page recalls discussing with Molloy several reasons for his page's dismissal, including poor grades.

read additional implications into Grossi's questions and speculated with others on what lay behind those questions. One page testified that another who had been interviewed speculated that Grossi thought Williams was a homosexual liaison for Members of Congress.

Some pages may have had a motivation to spread these rumors. Pages whose conduct was under scrutiny were not happy about the investigation or Molloy's complaints to their sponsors. The Special Counsel received evidence that some pages may, out of anger, have spread, or threatened to spread, malicious stories about Members of the House.[8] An aide to Representative Patricia Schroeder, who sponsored Opp, recalls that Opp telephoned him one night in February from a page party, and told him that if the pages were going to be criticized they would take a few Members of Congress with them. A congressional staff person called the staff of the House Committee on Standards of Official Conduct on February 11 to report the rumor—along with a host of inaccurate details—that Williams had been a homosexual pimp for Members of Congress. When traced to its source by investigators for the Special Counsel, the source turned out to be Opp.

Beyond the pages, some sponsoring Members, the staff of some of those Members, and at least four or five staff members in the Doorkeeper's Office knew not only of the investigation but also of some details. In all, at least 20 to 30 people, probably more, knew something about the problems that had been discovered with the pages. Capitol Hill was described by one witness in his deposition as "the rumor capitol of the world." In this environment, it did not take long for news of the page investigation to travel.

The rumors quickly reached reporters. On February 11, 1982, the very day the Capitol Police closed their investigation, a reporter from the Washington Post called the Committee on Standards of Official Conduct and asked if the Committee was investigating improper activity involving House pages. At the same time, a reporter from Independent News Network made a number of calls and sought to interview pages. No stories appeared in the press during February, 1982, but rumors envisioning a scandal far beyond the facts continued to circulate in the Capitol.

(e) Intervening developments.—No further significant developments involving pages occurred during the months of March, April and May.

Two important events did occur, however, although their significance was not appreciated until later. On March 18, 1982, the Arlington Police Department raided a male modeling agency that the police alleged was a front for a homosexual prostitution outcall business. The D.C. and Arlington Police confiscated extensive business records which included the names, addresses, and telephone numbers of hundreds of customers. These records also included detailed accounts of the dates, times, and names of both customer and prostitute for nearly every liaison. At the time of the raid, no one recognized that Friendly Models was the organization whose directory was found in Leroy Williams' room by his landlady in February, 1982.

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[8] One of the terminated pages reacted angrily to his termination. This page told other pages that he was going to contact the Washington Post and expose the widespreadd favortism on Capitol Hill. This page testified that he never followed through on this threat. But many pages reported as fact to Committee investigators that this page had gone to the House Press Gallery and denounced his sponsor.

One month later, on April 19, 1982, in a wholly unrelated investigation, the D.C. Metropolitan Police arrested three individuals for allegedly selling cocaine to an undercover police officer. One of the individuals arrested was a former page, and another was a former congressional staff member. The arrests do not appear to have made news at the time they occurred. But in mid-June both the Washington Post and the local Washington television affiliate of CBS, WDM, ran stories reporting that one of the arrested individuals had begun cooperating with authorities. They charged that a network of Congressional aides such as tour guides, pages, and staff of the House Doorkeeper was distributing drugs on Capitol Hill.

(f) CBS news reporter.—Sometime in late May or early June, a CBS television reporter began contacting pages in the House seeking information about improper activities on the part of Members of Congress.[9] On June 9, 1982, Jeffrey Opp, then a sixteen-year-old House page, received a telephone call at his apartment in Washington, D.C. The caller did not identify himself, but, according to Opp, said he had an invitation for Opp and needed Opp's address. Opp provided his address to the caller. Opp testified that within five minutes a visitor knocked on his door and introduced himself as a CBS news reporter.

According to Opp, the reporter said he had been investigating homosexual activities of Members of Congress for some time. Opp testified under oath that the reporter asked him about a ring of 25 to 50 homosexual Congressmen and about an employee of the Doorkeeper's office who allegedly procured pages for them. Opp testified that the reporter claimed to have talked to homosexual prostitutes who told him that some Members of Congress frequented the "red light" district in Washington. Opp told the FBI and testified in his deposition that the reporter named Congressmen in his discussion of these allegations. According to Opp, the allegations discussed by the reporter were that one Congressman liked eight-year-olds, a second Congressman frequented the homosexual areas of Fourteenth Street, a third was "after little kids," a fourth was involved in homosexual activities, and a fifth was "an avid coke fiend."

According to Opp, the reporter said that he had heard that Opp knew a lot and was not an "air head." By Opp's account, he felt flattered by the reporter's attention and therefore spent some time talking to him.

Immediately after this conversation with the reporter, Opp had conversations with at least two other pages. He talked about homosexual approaches he said he had personally experienced and he also began repeating some of the stories that the reporter had told him.

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[9] The reporter declined to be interviewed by representatives from the Special Counsel's office, so that this account draws on information provided by people to whom the reporter spoke. In addition to the formal exchange of correspondence between the Special Council and the CBS attorney, there were several conversations between the Associate Special Council and the CBS attorney to provide the reporter an opportunity to comment on sworn testimony about him and to obtain any information of improper activities he had.

On June 10, 1982, the day after Opp's discussion with the reporter, Opp went to see two staff aides in the office of Opp's sponsor, Representative Schroeder. He told them about a homosexual prostitution ring and drug use involving pages, Members of Congress and others They asked him how he knew this, and he said he had been working undercover for the prior two weeks contacting young homosexual prostitutes in a section of New York Avenue (part of the Washington "red light" district) to assist a CBS news in investigation. Opp claimed that an electronic "bug" had been placed in his room, that his new roommate was a "plant" placed to spy on him by the House Doorkeeper, and that people were watching his house. According to all three individuals involved, this conversation was tense; Opp was agitated and angry.

The two staff members were concerned about Opp's charges, and angry at the idea that a news organization would use a 16-year-old House page to assist in investigating a homosexual ring in the New York Avenue area. They contacted officials at the Department of Justice, and telephoned the CBS reporter to complain. The reporter said he could not talk on the phone, and arranged to meet them on the Mall in front of the East wing of the National Gallery of Art. The reporter arrived with another CBS employee. The Schroeder aides recall that his manner was very secretive. He said he had learned of a widespread homosexual ring among high-ranking government officials. He said he had been investigating this ring for some time, and it was a major scandal. In a sworn statement, one of the Schroeder aides recalls that at this point in the conversation, the reporter—

> Even drew a scheme on a piece of paper which had the Capitol at the center and included lines to the Pentagon, the Department of Justice, State, and GAO. He emphatically asserted that he had solid information that there was a widespread; organized homosexual ring among executive branch employees, including the agencies he drew, [M]embers of [C]ongress, lobbyists, and Capitol employees, and the favors were being traded for sex, including page promotions and extensions.

The Schroeder staff members told the reporter that Opp said he had been used undercover for two weeks on New York Avenue as part of CBS's investigation. The reporter denied that Opp had done any work for him, and said that in fact, he had only talked to Opp the day before, June 9. The reporter said that he had discussed the names of some Congressmen with Opp to get Opp's view of them. The reporter said that he included in the list of names discussed with Opp some "dead-fish" Congressmen whom the reporter did not believe to be involved in improper conduct, in order to test Opp's reliability. Opp had not claimed to have any knowledge about these people, which in the reporter's judgment enhanced the credibility of Opp's comments about others.

Following this meeting with the reporter, the Schroeder aides interviewed Opp again. This interview occurred on Friday, June 11, 1982. Opp admitted that he exaggerated in the first meeting. He admitted that he had made up the story about finding a "bug" as well as the part about interviewing male prostitutes to assist CBS

News. He also admitted he had no evidence that his roommate was a spy, planted by the Doorkeeper's office. But he stuck to the rest of the story.

That same day, the aides made arrangements of Opp to meet with Department of Justice Officials on Monday, June 14, 1982. Also on June 11, however, the reporter called Opp, and Opp agreed to give an interview on camera, with lighting and effects to shield his identity. This interview took place at CBS studios in Washington on the next day, Saturday, June 12, although it was not aired until June 30.

On June 14, 1982, Opp and his father met with attorneys from the Public Integrity Section for two hours. The Justice Department then initiated its investigation.

The CBS reporter later asked one of the Schroeder staff members about the details of the meeting at Justice and requested a description of the agents who attended. That staffer recalls that on at least one occasion between June 10 and June 15, he told the reporter:

> If you are basing your story on Opp's word, you are skating on thin ice. He may know something but he is not reliable, and a good deal of what he told us about this, along with some other unrelated items, turned out not to be true. For example, Opp had told me on/about May 1982 he had been admitted to Georgetown University and it turned out he was only a junior in high school and was not admitted to any university.

But Schroeder's staffer said the reporter responded that his story would not be based simply on Opp's allegations, that he had several witnesses and that Opp corroborated what he already had from other sources.

During June, the reporter also contacted Leroy Williams in Arkansas. On Saturday, June 21, 1982, he appeared unannounced at Williams' home in Little Rock. According to Williams' sworn testimony, the reporter said that the Doorkeeper's office had told the press that three pages including him had created problems, these pages had been dismissed, and that action cleared up the problem. The reporter also said to Williams that Opp had told the Justice Department that Williams was involved in homosexual activity as well as in drug trafficking. The reporter said that he believed the Doorkeeper's office was not being fair to Williams and that he wanted to give Williams an opportunity to present his side.

Williams testified that he was upset to hear that the Doorkeeper's office was blaming him for problems of the page system, and that Opp had charged him with trafficking in narcotics. He saw the television reporter as an opportunity to respond to these charges. The reporter assured Williams that he would not reveal his identity, even in discussion with other witnesses information provided by Williams. The reporter promised Williams that he would not reveal the names of any people with whom Williams was sexually involved

After having been given these assurances of confidentiality, Williams met with the reporter on Sunday, June 22, for about an hour. During that time the reporter interviewed him and tape-recorded the interview. On the following day, Monday, June 23, Williams, his face backlighted and hidden in deep shadows, gave the reporter an on-camera interview and alleged that he had had homosexual relations with three Congressmen and with Congressional staff.

On June 30 and July 1, CBS broadcast its interviews with Opp and Williams, and the Congress and the nation were introduced to the "page scandal." Thirteen days later, the House adopted to H. Res. 518, initiating this investigation.

(3) Summary

It is the conclusion of the Special Counsel that the rumors that sparked the intitial press interest and press investigation of a "page scandal" on Capitol Hill had their origins in the events surrounding the departure of three pages from the page program in late January and early February of 1982.

These events included a brief investigation by Sgt. John Grossi of the Capitol Police Department. The issues raised by this investigation were unquestionably serious. They involved excessive drinking by young pages whose welfare was in large measure the responsibility of the House of Representatives. In addition, there were allegations that pages were involved in the use of drugs and in trips to Fourteenth Street to find prostitutes. Finally, the evidence assembled by Grossi indicated that Leroy Williams had been seriously in debt when he left Washington, and that Williams had left homosexual literature in his room when he left Washington. But nothing in the original investigation or in the facts that the Special Counsel has found concerning events in February even hinted at sexual misconduct involving Members or employees of the House.

Nonetheless, the evidence is clear that rumors about a "page scandal" began cirulating in the wake of the investigation. These rumors included stories about sexual relationships between Members and pages as well as stories of pages "pimping" for Members. But the evidence also indicates that these rumors were grossly distorted interpretations of the page dismissals and the Capitol Police investigation.

Finally, the allegations made by the two former pages to the press in June, 1982 appear to have been stimulated more by their own resentment, egos and immaturity, and by contact with one reporter, than by any events involving actions by Members of Congress. It is to the allegations made by Leroy Williams and Jeffrey Opp that we now turn.

B. Leroy Williams

In his CBS interview, Williams asserted that he had had sexual relations with three different Congressmen, three times with one of them, and that he procured homosexual prostitutes for Congressional staffers. Two month's later, Williams changed his story when he was interviewed by Committee investigators. Williams then testified under oath in a deposition taken by the Committee Chairman and Special Counsel that his prior assertions were false.

Since Williams had told two stories that were totally contradictory, the Special Counsel concluded that it was necessary to investigate his charges independently in order to assess whether his original story or his recantation was in fact true. In what follows, this report describes Williams' personal background, analyzes his experience in Washington in order to discern his motives for making the false charges that he did, and presents the basis for the Special Counsel's conclusion that Williams' original charges were false and that the testimony he gave under oath when he recanted those charges was accurate.

(1) Personal background

(a) Introduction.—Leroy Williams was born on June 14, 1964 in Little Rock, Arkansas, and is the fifth of six children. His father worked as a laborer until several years ago when a medical disability forced his retirement. His mother is a domestic worker. Williams testified that his two older brothers are in prison, one for murder, one for robbery. His father and mother have periodically separated.

Prior to coming to Washington, Williams attended high school in Little Rock, where he was a "B" student and was involved in extracurricular activities such as the school choir and the drama club. He was also active in the Sixth and Izard Church of Christ. Williams testified that before he came to Washington he drank alcohol infrequently, "maybe once a month." He occasionally used drugs, such as Marijuana, "on a limited social basis," at most once a month.

Unknown to his family and friends in Arkansas, Williams had felt a sexual attraction toward other males since the age of 12. At 14, he engaged in sexual relations with another male for the first time. During the three years from 1978 to 1981 that preceded his arrival in Washington, Williams had sexual relations with men approximately ten times. Williams guarded this secret closely.

Williams first came to Washington in February, 1981, as a participant in "Close-Up," a program that brings high school students to Washington for a week to learn about government. while in Washington, Williams became interested in working as a page and filed an application with his Congressman, Representative Ed Bethune. Williams' application included recommendations from his history teacher and from persons at his church. The House Committee on Republican Personnel notified Congressman Bethune of Williams' selection on May 19, 1981, and he assumed his duties as a page June 29, 1981.

At the end of July, Williams was selected by the Doorkeeper to be one of the two Republican Page Overseers, a supervisory position. Throughout the period Williams served as a page, his work was considered satisfactory, although his performance declined toward the end of his tenure.

It was after working hours that Williams began to have problems. Williams spent most of his time outside of work and school with a group of about five or six pages. He created a fictitious picture that he came from a wealthy family. He told other pages that his father was a heart surgeon, his mother an opera singer. He talked about his parents' ranch, their European travels, and the cotillion balls they held every Christmas. Williams also told the other pages about his girlfriend, Nancy, who he said was a nurse. None of the pages ever saw or met Nancy.

(b) Sexual activities.—When the Congress went into its 1981 midsummer recess, most of the other pages went home. But Leroy Williams remained in Washington alone. He told other pages that he was not going home because his parents were travelling abroad. It was at this point that the 17 year-old Williams first engaged the services of a homosexual prostitute.

He contacted the "Friendly Models" agency and obtained the services of a male prostitute, for which he paid $50 by check. Williams used the services of the Friendly Models agency on fifteen different occasions between August, 1981, and January, 1982, ten of those times during the August Congressional recess.

In the months that followed, Williams cruised the gay bars and bookstores, and visited a gay bath house. He testified that between the end of August, 1981 and the end of January, 1982 he had homosexual relations on an average of three times a week, usually with a different person whom he had met in one of those establishments. Williams thought some were congressional employees because he said he later recognized them at work in the Capitol. He dealt with these men on a one-time, first-name basis. In addition to these occasional relationships, Williams testified he had sexual relations on a few occasions with a male who was a Government Printing Office employee, and then over a period of several weeks with a male hairdresser who worked in Georgetown. So far as the pages were concerned, Williams tried to hide his homosexuality.

But it was impossible to keep the secret completely hidden. In August, Williams moved to an apartment from the room he had rented when he first arrived. A page supervisor in the Doorkeeper's office, who had rented Williams his first room discovered a brochure advertising the Friendly Models prostitution agency among personal effects Williams had left in his room. This page supervisor has testified under oath that he did nothing with this information:

> I figured essentially that Leroy no longer lived there and that his social life, whatever it may be, * * * [was] not of a particular interest to me * * * In any respect, I have not really discussed with any page their sexual activity and while I am concerned about it and don't like it at all, I am not really sure what my role would be in discussing it with them.

(c) Use of alcohol and drugs.—During the seven months that Williams was in Washington, he consumed more and more alcohol. He drank when he cruised homosexual bars, and he and the five or six pages in his group drank frequently. The group gathered two or three times a week at his or another page's apartment for heavy drinking sessions lasting well into the night. Sometimes these sessions would go on until it was time for the pages to go to school at six the next morning. Williams or other pages would occasionally drink until they passed out from a combination of alcohol and exhaustion. Williams testified that when he left Washington in late January, 1982, he "was literally an alcoholic."

Williams' use of drugs also increased sharply while he was a page. He frequently took, caffeine pills to stay awake during the long hours of school and work when the House was in session. Williams testified that he used marijuana on several occasions, and he used cocaine two or three times. But alcohol, not drugs, was his nemesis.

Williams' school record reflects his intensifying problems while he was a page. In early fall 1981, Williams' first advisory grades were close to a B average. By the late fall, they had fallen well below a C average.

(d) Financial problems.—Williams got into increasingly severe financial trouble in Washington. Pages are paid $700 per month. But that is not enough money to pay for rent, purchase food, and live the kind of lifestyle that Leroy Williams pursued. Williams' use of homosexual prostitutes, his heavy drinking, his expensive taste in clothing, and the gifts he reportedly gave to other pages at Christmas strained his finances severely.

Willliams had no source of income other than his salary. He lived in the fashion he did by failing to pay a large number of bills, writing bad checks, and stealing money. When he eventually left Washington in January, 1982, Williams left behind many unpaid charge bills and bounced checks, including almost $900 in unpaid rent and telephone bills.

(e) Williams' departure.—By January, Williams was regularly bouncing checks. His landlady was becoming more and more impatient for her back rent. Williams testified that he was now more dependent on alcohol, more fearful that his homosexuality had been discovered, and felt more pressured on his job. On Friday, January 29, 1982, Williams told his supervisor he was going to resign. That evening he went out with other pages to a party, and spent the night in a homosexual bath house. The next morning, Saturday, January 30, Williams took an automobile belonging to a fellow page, drove to Tuscaloosa, Alabama. He visited the former youth minister of his church who was living there, and eventually returned home to Little Rock.

(f) Williams' decision to talk to the press.—After he arrived back home in Little Rock in February, 1982, Williams began to realize that his departure had stimulated criticisms and speculation about him.

In early March, Williams was approached by a reporter for a local television station for an interview about his experiences as a page. The reporter asked Williams if he had ever been homosexually propositoned while in Washington. Williams responded, "Just by someone who worked on the Hill."

Then, later in March, the page whose car Williams had taken telephoned and asked if Williams had stolen the automobile which had been recovered in Tuscaloosa, Alabama. Williams denied taking the automobile. The page also told him there were rumors that Williams had been involved in drug trafficking.

According to Williams, he immediately telephoned his best friend among the pages in Washington. She called him back that same evening on a WATS line. She told him that the Doorkeeper's Office had linked him with two other pages who had been dismissed in February. Williams' friend said that supervisors in the Doorkeeper's office were saying that all three pages, including Williams, had been fired because they were "bad apples." She told Williams there was a press investigation about him, and the pages had been told not to talk to the press about Williams.

According to Williams, his anger and resentment came to a head in June 1982, when he gave a CBS News reporter the interview that CBS broadcast on June 30.,

(2) Williams' allegations

The F.B.I., various news organizations, and the Committee's staff interviewed Williams in June and July 1982. He did not tell the same story each time. But, in the course of these interviews, he claimed that:

He was propositioned by, and had sexual relations with, three congressmen;

He arranged a sexual liaison between a Senator and a male prostitute;

He arranged sexual liaisons with male prostitutes for a Congressman's administrative assistant and for an employee of the Government Printing Office.

Williams also repeated to interviewers other allegations of sexual misconduct by Members and employees of the House which Williams said had been told to him by other pages. Specifically, he said he had been told that:

A female page had been sleeping with two different Congressmen;

Pages suspected a Doorkeeper's office employee of procuring female pages for sexual liaisons with a Member of Congress, arranging homosexual activities for Congressmen, and having homosexual relations with some male pages;

The Special Counsel has concluded that there is no evidence to support any of Williams' original charges. In reaching this conclusion, the Special Counsel has not relied solely on Williams' recantations. Rather, the Special Counsel's investigative staff has conducted a detailed investigation of each of Williams' allegations. Every bit of independent evidence collected supports the conclusion that Williams' original allegations were false and that he was telling the truth when he testified he had lied about those charges.

(a) General credibility.—Williams' credibility, even before he said he was lying about all of the allegations, was not high. While in Washington, Williams had lied about his family background. He had written numerous bad checks, failed to pay his rent, and lied to his supervisors about his financial problems. Finally, at the time he left the page program, he was suspected of having stolen both a wallet and a car from other pages.

Williams' Counsel allegations were inconsistent almost from the moment he started making them. In his press interview in March, Williams derided rumors of sexual relations between pages and House staff, saying it was "a very, very small problem." He said he did not know of pages involved with congressional staff members, although he was aware of an occasional "pass" at pages. He specifically denied that he was personally involved in "this homosexual thing," but he did say that once a person "who worked on the Hill" made a "pass" at him.

In June, Williams suddenly made his sensational charges on television that he had sexual relations with three Congressmen and procured prostitutes for congressional staff members. However, in Williams' first interview with the FBI on June 25, 1982, two or three days after he talked to CBS, Williams mentioned sexual relations with two Congressmen, and did not mention staff. Moreover, the details he provided concerning certain incidents differed. Williams told CBS he had sex with one Congressman on three occasions including one time at the Watergate. Williams told the FBI his most frequent encounters with one Congressman were on two occasions, and never mentioned a tryst at the Watergate.

Williams was reinterviewed by the FBI on July 7, 1982, and his story changed once again. He now spoke of sexual relations with three Congressmen, and gave the FBI a third name. But now, Williams added other names and allegations. For the first time, Williams said he had procured a male prostitute for a Senator, congressional staff member, and Government Printing Office employee.

In his first interveiw with investigators from this Committee on July 9 and 10, Williams also lied. Questioned about the thefts of a female page's purse, of another page's automobile, and of a checkbook and cash from a family friend in Washington, Williams made up an elaborate story about the stolen car and also had an innocent explanation for the stolen purse. On the second day of this interview, however, he admitted that he had taken the purse, had in fact stolen the car, and $120 in $20 bills and some checks from his friend's purse.

On July 8, 1982, Williams failed a lie detector test administered by the FBI.

(b) Retraction by Leroy Williams.—By late August, interviews with many pages and other individuals had established there was no corroboration for Leroy Williams' allegations. Under the circumstances, the Special Counsel decided Williams should be reinterviewed and confronted with the evidence. Extensive preparations were undertaken to prepare for the interview. Investigators diagrammed the offices of each of the Members of the House of Representatives with whom Williams alleged he had sexual relations. They noted unusual design features to test if Williams could provide details, since he claimed he had sexual relations with each Member in that Member's office. They interviewed the Congressmen's staffs to obtain information about the Congressmen to be used in questioning Williams.

On August 26, 1982, investigators met with Williams in Little Rock, Arkansas. During this interview, Williams admitted for the first time that the allegations that he had had homosexual relations with Members of Congress were false. He also admitted that the allegations that he had arranged sexual liaisons between male prostitutes and a Senator, a Congressman's staff employee, and an employee of the Government Printing Office, were also false.

Following these admissions to the investigators, a deposition was scheduled for the morning of August 28, 1982 in Washington. On that day the Chairman and Special Counsel deposed Williams in executive session in the presence of his attorney.

Williams testified that he had left Washington and the page program in late January, 1982 as a result of the problems he had experienced from excessive drinking:

> Because of the pressure that had been put on me because of [my supervisor's] suspecting my homosexuality, the pressures of the job, the fact that I was literally an alcoholic because I had gotten to the point where I felt like every day at lunch I had to have a drink in order to go through the rest of the day. Those situations scared me a great deal and I decided that it would be better for me to be at home because I had too much of my life left to ruin it all at such an early age.

Williams testified that when he was interviewed by the CBS news reporter in June of 1982, he made up the story about having sexual relations with Members of Congress. He told the Committee under oath:

> It was my intention to create a story that would be credible and drastic enough that it would cause enough public interest in order to cause people to look at the page system and look at what was going on and basically that was my reason.

Williams testified under oath that he never had sexual relations with any Member of Congress. He specifically denied under oath that he had ever had sexual relations with the Congressmen he had named, that he had had sexual relations with the Senator he had named or that he ever arranged a liaison between the Senator and a homosexual prostitute.

He testified that Committee investigators had not pressured him or attempted to pressure him into changing his story. Rather, he said he had decided to tell the truth:

> Mainly because the mental depression and the pressure of the fraud that I created was just overwhelming and I knew, or at least I felt like, there had been enough attention brought to the pages where there were going to have to be modifications. So at that time, I did not feel like there was any reason to continue in the fraud because I was ready to tell the truth because the pressure was just overwhelming. It had gotten to the point where I wanted to end my life. So I knew that time it had become drastic enough for me to disclose the truth.

(3) Investigative findings

(a) Allegations against Members of Congress.—At various times, Williams alleged that he had had sexual relations with three Members of Congress and that he had procured a male prostitute for a Senator. In two instances, the evidence obtained, in the judgment of the Special Counsel, proves—independent of Williams' recantation—that Williams' allegations were not true. In the other two intances, Williams' vagueness about dates has limited the Special Counsel's ability to develop definitive proof. But all the evidence that has been obtained contradicts Williams' allegations.

(i) Allegations for Which Detailed Evidence Was Obtained

Congressman A: [10] Williams told two versions of his encounter with Congressman A. On July 7, Williams told the FBI the following story about Congressman A: In November, 1981, Congressman A approached him on the House floor and asked him to come to his office after the session. Williams discussed the situation with a fellow page who was a close friend. That evening he went to Congressman A's office, at about 6 p.m. where the Congressman expressed his desire to become better acquainted with Williams. This encounter lasted only 10 minutes and involved no sex. Over the next two weeks Congressman A once again approached him on the House Floor and asked him to come by his office. Williams said he went to Congressman A's office at approximately 6:00 p.m. that same day, where he was alone with the Congressman. Williams alleged that he and Congressman A engaged in homosexual relations for approximately one hour.

Two days later, Williams told Committee investigators a slightly different story. He said he had sexual relations with Congressman A in November, 1981 after the first approach by Congressman A on the House floor. He again said, however, that he joined Congressman A in the Congressman's office at 6 p.m. He said that the sexual relations were unsatisfactory to both of them and that Congressman A never approached him again.

Although the inconsistencies in the stories raise questions about Williams' credibility, both stories are consistent with respect to time—6 p.m.—and Williams' allegation that the liaison occurred on a work day sometime in November 1981.

Investigators in the Special Counsel's Office have reconstructed Congressman A's time during the month of November 1981. That reconstruction indicates it was not possible for Williams to have been alone with the Congressman in his office between 6 and 7 p.m. in November, 1981 on a night when the House was in session. One staff member stayed in Congressman A's office every week night, except Tuesdays, during November, 1981, until at least 8:00 p.m., an hour after Williams claimed he was with the Congressman. The staff member served as secretary and receptionist between 6 and 8:00 p.m. and was aware if the Congressman was in his office and who was with him. She has stated under oath that the Congressman was never alone with a page in his office while she was there. If the meeting with Williams occurred during the week, it would have had to occur on one of the Tuesday nights during November when this staff member was not on duty.

The Special Counsel's office obtained and examined the Congressman's schedule and travel records for November 1981. These records show that Congressman A was not in Washington on three of the four Tuesdays in November. On the one Tuesday he was in Washington, the Congressman's records show that the Congressman was assigned the job of watching the floor for his party, and the Congressional Record shows that he was on the floor of the

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[10] Since the Special Counsel has concluded the allegations conerning these Congressmen are false, no names will be used in this report.

House until 7:39 p.m., more than one-half hour after Williams alleges their liaison terminated.

The House was in session on only one Saturday in November, 1981—Saturday, November 21. That evening, Congressman A went to dinner with another Congressman at a restaurant on Capitol Hill, between 6:00 p.m. and 7:30 p.m. The Special Council has obtained a copy of Congressman A's charge account receipt showing a charge at this restaurant on this date. The Special Counsel's staff has also interviewed the Congressman whom Congressman A said accompained him to dinner that night. The Congressman confirms that he did in fact go to dinner with Congressman A immediately after the House session on November 21 at the restaurant named.

Congressman A requested that he be deposed, and he has sworn under oath that he never propositioned Williams, never had sexual relations with him, and in fact never even knew him.

Finally, the page whom Williams claimed he told about the approach from Congressman A denies that Williams ever mentioned the matter.

In sum, based on the evidence obtained by the Special Counsel's office, it appears virtually impossible for Williams to have had sexual relations with Congressman A in his office between 6:00 and 7:00 p.m. on any work day in November, 1981.

Senator B; In July, Williams also made allegations to the FBI and this Committee's investigators about Senator B. Senator B is outside the jurisdiction of this Committee. However, to test Williams' credibility, the Special Counsel did investigate the allegations Williams had made.

On its face, Williams' story about Senator B strains credulity.

Williams alleged that in the latter part of November 1981, his work as a page overseer required him to make frequent trips to the Senate where he became acquainted with Senator B. Williams stated that during one conversation the Senator asked him if he knew someone named Roger. Williams said that Roger, whom he had met two or three times, was a male prostitute employed by an "outcall" prostitution agency, Friendly Models. Williams said he told the Senator he did know Roger and the Senator then requested Williams to contact Roger for him.

According to Williams' story, the Senator asked Williams to arrange a liaison between Roger and the Senator at Williams' apartment. Williams told the Senator that he could not use his own apartment, but he could use the apartment of a friend with whom Williams was staying at the Watergate South apartments. Williams said he agreed to make the necessary arrangements, and subsequently, contacted the Senator's office by telephone leaving a message with a secretary that the appointment was set for 11:00 p.m. that evening. The Senator arrived at the apartment shortly after 11:00, after William's friend had gone to bed. After the Senator arrived, Williams claimed he contacted Friendly Models and requested Roger be sent to the apartment.

According to Williams, Roger did come to the apartment. After drinks, Williams said that Roger and the Senator went into the master bedroom for approximately one hour. Afterwards, as the Senator was leaving, he asked Williams to call his office if there was any way he could be of assistance to Williams. Williams alleged that approximately one week later, he telephoned the Senator's office and told a secretary that he wanted to work as a Senate page. The secretary told him she had a memorandum from the Senator indicating she should help Williams in any way possible. In a later conversation with this secretary, Williams said he was told that his application had been sent to "the appropriate Committee." Before the Committee made its decision, however, Williams had decided to return home, and did not pursue the matter.

The independent evidence developed by the Committee shows virtually every statement in this story to be untrue.

"Roger" and Senator B: Unrelated to this Committee's investigation, the Arlington County Police had executed a search warrant and obtained the records of Friendly Models on March 18, 1982. The Arlington Police provided the Special Counsel's Office with the following information: The records of Friendly Models show Leroy Williams was a client of Friendly Models. Those records indicate a visit by "Roger" to Williams on November 15, 1981, at the street address of the Watergate Apartments. This was the only time that the records showed an employee of Friendly Models made a visit at William's request to the Watergate apartments during 1981. (Williams had previously been visited by "Roger" on one occasion in August at his room on Capitol Hill.)

The Special Counsel's staff interviewed and deposed "Roger." "Roger" testified he had a homosexual liaison with Leroy Williams—not a Senator—at the Watergate apartments on November 15, 1981. He denied having relations with Senator B and testified that Senator B was not present. "Roger" also took an FBI polygraph examination. It was the opinion of the examiner that "Roger" showed no deception when he denied the liaison with the Senator.

Senator B on November 15, 1981: The Special Counsel obtained and reviewed Senator B's records concerning his schedule, airline ticket receipts, and credit card receipts for the period Friday, November 13, 1981 through Monday November 16, 1981. These records indicate that Senator B was in his home state all day on November 15 and did not return to Washington until November 16.

Calls to the Senator's office: Williams alleged he made at least one call to Senator B's office the day of the liaison. He claimed he spoke with a secretary. But November 15, 1981, was a Sunday, and the Senator was out of town.

Weather: Williams alleged that on the night of the liaison there had been some snowfall. Official Weather Bureau records show that the first snowfall of 1981 did not occur until November 24, 1981, some nine days after the evening Roger visited the Watergate.

In conclusion, the Special Counsel has found that independent evidence totally contradicts Williams' allegations about Senator B and supports the conclusion that he lied in making this allegation.

(ii) Allegations Regarding Other Two Members of Congress

Williams also told the FBI and investigators for this Committee that he had sexual relations with Congressman C, and with Congressman D.

Congressman C: In the case of Congressman C. Williams initially told inconsistent stories. In his interview with CBS News, Williams said he had had sexual relations with the Congressman on three occasions. When he talked to the FBI two or three days later, however, Williams told them that he had had sexual relations with Congressman C on only two occasions.

In addition, details of the story that Williams told the FBI about his encounters with Congressman C differed from those he provided to investigators from the Special Counsel's office.

Congressman C has denied ever propositioning or having sexual relations with Williams. He has said that he never met alone under any circumstances with Williams and does not know him. Congressman C took a polygraph examination, and the examiner's opinion was that the Congressman was telling the truth when he denied knowing Williams and denied having homosexual relations with him.

Investigators from the Special Counsel's Office have inspected the logs of the Congressman's Office and have interviewed his staff. His staff members have been shown photographs of Williams. No one recalls Williams visiting Congressman C's office on any occasion.

Congressman D: In the case of Congressman D, Williams also told inconsistent stories to the FBI and to the Special Counsel's investigators. Williams told the FBI that Congressman D had initially propositioned him at a reception given by a Congressional Committee, which Williams named. Williams told the FBI he had declined that night, but that the sexual liaison occured the following day after he was again propositioned by the Congressman . However, Williams told this Committee's investigators that he did go to Congressman D's office right after the reception and had sexual relations at that time.

Congressman D was interviewed by the Special Counsel's staff about Williams' allegations. He denied that he ever propositioned Leroy Williams or had sexual relations with him. He denied even knowing Williams. Congressman D also denied attending the reception at which Williams claimed to have met him as the sponsoring Committee did not involve an area of primary interest or concern to him. An inspection of his office records did not indicate any occasion when Williams was in his office. His staff could not recall that Williams had ever been in his office. Committee investigators showed Congressman B's staff photographs of Williams. No one picked him out as someone they recalled seeing around the office.

In sum, all the available evidence supports the conclusion that Williams lied about Congressmen C and D.

(iii) Allegation of Procuring Prostitutes for a Congressman's A.A. and an Employee of the Government Printing Office

Williams alleged for the first time in his July 7, 1982 FBI interview that in August, 1981 he had procured male prostitutes from Friendly Models for a Congressman's administrative assistant (AA) and for an employee of the Government Printing Office (GPO). Williams said both of these liaisons took place on the same evening at his apartment. Williams stated that he obtained a prostitute named "Donnie" for the AA and a prostitute named "Bob" for the GPO employee.

Evidence obtained by the Special Counsel supports the conclusion that Williams lied in making these allegations. The records of Friendly Models do indicate that on August 11, 1981, male models "Bob" and "Donnie," the prostitutes with whom Williams claimed he arranged dates for the GPO employee and the AA, answered calls from Leroy Williams. Investigators from the Special Counsel's office have located and interviewed both "Bob" and "Donnie." Both men confirm going to Williams' apartment on the same night in August, but both said that Williams was their only client and he did not procure their services for someone else.

The Committee investigated and deposed the AA for whom Williams said he arranged a homosexual prostitution liaison in August. The AA testified that he did not have sexual relations with Leroy Williams or with a male prostitute on any occasion.

Committee staff unsuccessfully attempted to locate the former GPO employee. GPO records, including credit union records, the GPO employee locator and the federal government communications operator did not list a present or former GPO employee with the name of the person for whom Williams said he arranged the date with "Bob."

(b) Further allegations by Williams.—Williams also repeated some allegations of sexual misconduct he had heard second-hand from others. These allegations amounted to little more than gossip, and, under other circumstances, would hardly merit serious investigation. But, to assure that the investigation was complete, these allegations have also been investigated. The evidence developed has, without exception, shown nothing to support them.

Allegation: Williams testified that he had been told that a female page whom he named had sexual relationships with two Congressmen, although he had no first-hand information of either liaison.

Investigative findings: Investigators interviewed the page and both Congressmen allegedly involved, and attorneys on the Special Counsel's staff took the page's testimony under oath at a deposition. They all denied the relationship.

Investigators showed a photograph array containing the page's picture to the staff of both Congressmen, none of whom recognized the page as someone who frequented the offices.

The page's two roommates stated under oath at depositions that to the best of their knowledge she had not been dating or having an affair with a Congressman.

The two former pages who Williams said told him about one Congressman's relationship with the page were deposed. Both denied under oath knowing anything about any such relationship, and both denied telling Williams or anyone else about such a relationship.

Another former page, whom Williams said told him about the second liaison, was also deposed under oath. He denied ever making such a statement to Williams.

Allegation: Williams also testified that it was "rumored" that this female page was set up by a page supervisor with the second Congressman. Williams testified he heard this information from the page who told him about this liaison. Williams had no personal knowledge of such a liaison or whether the page supervisor had a role in setting up the liaison.

Investigative findings: Committee investigators identified those pages who worked most closely with the page supervisor, and interviewed and/or deposed each of them. None of the pages had any personal knowledge or had ever heard any rumor that the page supervisor had ever arranged or attempted to arrange dates between a female page and either of the Congressmen mentioned by Williams, or between any page and anyone else. The pages testified that they had no reason to believe that the page supervisor was arranging dates between pages and others or that any page was involved sexually with any Member of Congress.

The page who was supposed to have told this story to Williams denied under oath ever making such a statement.

That page supervisor named by Williams was also deposed under oath, and also denied having ever been involved in any such activity with a page or a Member of Congress.

Allegation: Willaims also alleged under oath that a Member of Congress "propositioned" a female page. He testified that the Representative merely called the page desk in October, 1981, and asked to speak with the female page, who was unavailable. According to Williams, the Congressman later called the Cloakroom and asked her if she would drop by his office after adjournment; she reportedly declined, saying she was going home immediately after work because of school.

Investigative findings: The female page testified that she was never approached by the Congressman Williams mentioned, that she did not tell Leroy Williams, or any other page or anyone else that she had been approached, or that she was propositioned by that Congressman. She testified that some male pages "often" said to her that they were "sure" she had been propositioned by someone, but she insisted to them that this was not true.

The page's roommate testified under oath that she never heard anything about her roommate being propositioned by anyone.

C. Jeffrey Opp

Jeffrey B. Opp was the other page who appeared, with his identity concealed, on the June 30 CBS News broadbast. In that broadcast, he alluded to one "homosexual approach" that a Congressman had made to him. But interviews with the FBI and this Committee, Opp made two different types of allegations:

1. allegations based on his ersonal experience, and
2. allegations based on information that he had heard from other people.

The Special Counsel has found nothing to support any of these allegations.

At his deposition before this Committee, Opp testified:

> That interview was a—it was a 16 year old kid satisfying his ego. That interview was my being—was me being, as I have said, holier-than-thou, * * * and being able to rationalize everything in my mind meant I had to be adamant, I had to be definite, I had to say this is the way it is and lay

> it on the line, and not take into consideration my bias, which I did not at that point.

Opp further testified that his conversation with the CBS reporter had left him:

> [P]anicked, scared, * * * holier-than-thou, wanting to prove something, and I used what [the reporter] said and I convinced myself of it even though at the time he was saying it I didn't believe it, I convinced myself that it was true and then that this Hill just needed to be cleaned up.

In retrospect, Opp testified that he did not feel that he had acted responsibly in making the charges that he had made. He concluded that he had exaggerated the significance of his personal experiences in his discussions with the CBS reporter, with the staff of his congressional sponsor, and with the Justice Department.

A careful evaluation of information provided by Opp has yielded not a single instance in which there is responsible evidence that improper actions occurred. All the evidence we have developed—including significant changes in Opp's own story when he was questioned under oath—indicates that there is no support for his allegations.

(1) Background

Jeffrey Opp was appointed as a page under the sponsorship of Congresswoman Patricia Schroeder and served as a page from January 4, 1982 until June 12, 1982.

Opp considered himself far to the left on the political spectrum and went out of his way to challenge authority and to make sure that people were aware of his extreme left-wing political views. For example, the Deputy Doorkeeper recalls a conversation in which he recommended to Opp that he open a checking account in order to deposit his salary and draw checks for his personal expenses; Opp responded that, for ideological reasons, he did not believe in using banks.

There was substantial tension between Opp and his supervisors in the Doorkeeper's office. The supervisory staff who had contact with Opp had a strong negative impression of him. One supervisor told Committee investigators that he did not like Opp personally and believed that most of the pages did not like him. That supervisor also felt that Opp had serious emotional problems.

For his part, Opp felt that his supervisors believed that he should not have been a page. Opp felt that his supervisors' attitude toward him was based on the fact "that I preached socialist ideals, * * * that I didn't look like a page, because I let my hair grow longer than I should have, I didn't tie my tie all the way while in session, I was not your model page."

Opp also resented his involvement in the investigation of pages conducted by Sgt. Grossi of the Capitol Police. Opp said he believed this investigation would lead to his termination as a page. When Sgt. Grossi's investigation concluded, the Doorkeeper visited Congresswoman Schroeder to complain about Opp's conduct. Following the Doorkeeper's visit, Congresswoman Schroeder's staff admonished Opp. Opp's reaction to the investigation is evident from the telephone call he made to one of Congresswoman Schroeder's staff threatening that if the pages' conduct was going to be criticized, the pages would take a few Members of Congress down with them.

The allegations that Opp has made must also be considered against the background of his reputation for exaggeration and for "blowing things out of proportion." Obviously, the evidence concerning Opp required that his statements be subjected to a critical and searching analysis.

(2) Opp's direct conversations with four individuals

In his interview at the Department of Justice and his interview by Committee investigators a few weeks later, Opp related four personal experiences that, he asserted, had overtones of homosexual solicitation.

(a) The four conversations.—

Congressman E: Opp testified that on May 25, 1982 the House was working very late into the evening, and he was on duty on the House floor. Opp was asked to help Congressman E make copies of some documents to be distributed to House Members. Congressman E and Opp were in the Speakers Lobby, a small area off to the side where a copying machine is located. Opp said that he stood approximately two feet away from Congressman E while the machine was copying. They stood silently for about 30 or 40 seconds, when Congressman E moved to within a foot of Opp. Opp recalled that the Congressman put his arm around Opp and pulled him "in an ingratiating move." Congressman E then allegedly asked, "You want to come to a party tonight? I could show you some fun." Opp said he told the Congressman, no, and moved away. After the machine finished making the copies, Opp handed the copies to the Congressman, and the Congressman left the area. The entire incident took only two minutes.

Opp has consistently maintained that he interpreted the actions of Congressman E as being "an overt sexual proposal." He testified, "I took it to mean that if I would have gone to that party, I would have had fun via having sex with him." Opp testified that he had no contact with Congressman E before this incident and had none after it occurred, except that the Congressman would look at him strangely when they encountered each other on the floor.

Congressman E has said that he does not recall ever meeting Opp. He did not recognize Opp's photograph when it was shown to him. Congressman E said that he rarely asked pages to run errands for him and did not know many of them. Congressman E said that he had only attempted to use the copying machine in the Speaker's Lobby on one occasion, several years before, and had found the machine broken. He had not attempted to use the machine again; he habitually used another machine which he regarded as better. He speculated either that Opp has confused him with another Member or was inventing the entire incident. Congressman E recalled a somewhat heated exchange he had had on the floor with Congresswoman Schroeder, Opp's sponsor, some weeks before the alleged incident. He thought it possible that Opp was retaliating against him out of a misguided sense of chivalry.

Congressman F: Opp's interpretation of a brief conversation with Congressman F has varied. According to Opp, on the night immediately after he had been approached by Congressman E, the House was also in session late. Opp testified that he was approached at his desk on the floor of the House by Congressman F who also asked him if he wanted to attend a party. According to Opp, the Congressman made a gesture with his hands to his nose. Opp told the FBI that he interpreted this gesture to mean there would be cocaine at the party. He told Congressman F he was not into that sort of thing, and the Congressman said nothing else about it. The conversation lasted less than a minute, and Opp had no contact with the Congressman either before or after this one conversation.

Opp told the FBI that he did not feel that the Congressman was making homosexual advances toward him. But three days before the FBI interview he told Congresswoman Schroeder's staff that he did interpret the gesture to be sexual. When he first met with Committee investigators in July; he also said he considered Congressman F's invitation to a party and his sniffing gesture to be a sexual approach. Opp explained that the reason he perceived sexual overtones in the incident was that offering drugs to a page "goes hand in hand with homosexual acts."

In his deposition in September, Opp reverted to the view that he did not believe there was anything sexual involved. Rather, he testified that he regarded the incident as relating strictly to cocaine use.

Congressman G: Opp's interpretation of a conversation he had with Congressman G changed over the summer. He told the FBI in June that the conversation involved a sexual advance. In September, he testified that he was not so sure. The incident occurred while the House was in session, late one night in early May. The conversation with Congressman G occurred at approximately 11:00 to 11:15 p.m. in the Republican Cloakroom. Two employees who worked in the snack bar were within two or three feet of Opp and Congressman G when they were talking and there were other Congressmen milling around. He and Congressman G were standing at the snack bar, and the Congressman asked "Where do you go after this?" Opp said he responded, "Home to bed." The Congressman then asked, "Don't you ever go out?" When Opp said yes, the Congressman asked where he went. Opp replied, "Penn. Ave."—meaning the nearby bars and restaurants on Pennsylvania Avenue. As Opp tells the story, the Congressman then said that he also went there and that "[i]t is strange we have not seen each other." Opp said the Congressman than said, "We should see each other sometime."

The conversation lasted less than a minute. Opp said that he had had no further contact with Congressman G prior to that incident, other than taking messages to him on the floor, and that he had had no contact with him since that incident.

Opp told the FBI that he considered the incident to have sexual overtones. But at the time of the deposition Opp testified that he was "not sure * * * I am not positive. It strikes me as being odd; it strikes me as being strange, and certainly it could be, it could have been, but I am not positive."

When asked the basis of his concern that there had been sexual overtones to the conversation, Opp said that Congressman G is "an aloof man" who "does not come on nicely to people." He also said that he had had some concern because of the reaction of the two women who worked behind the snack counter. At his deposition, Opp testified that one of these women told him upon his return a short time later, "Got to watch out." In previous interviews, he had described the women as "eyeing" him "warily" or clicking their tongues.

When the Special Counsel's staff interviewed Congressman G, he was incredulous. He did not know anything about Opp except what he had heard in the media. He said that he had never met Opp and did not know what he looked like. After being shown a photograph of Opp, he still said he did not recognize him. When asked specifically about a conversation that might have occurred late at night at the snack bar, Congressman G said that it was certainly possible that if the House was in session late at night he would get a sandwich from the snack bar and that if he did that, he would probably make conversation with someone standing nearby, including a page.

But he said that the notion that someone would sexually proposition a page in the snack bar was preposterous. The snack bar counter is only about seven feet long and there are two women who work behind it who would overhear any conversation. Furthermore, there are many other persons moving about in a relatively confined space who would also overhear. The Special Counsel's staff has visited this area and has found Congressman G's description accurate.

Lobbyist: Opp told the FBI in June that a woman lobbyist had been providing male pages for homosexual relations with Members of Congress. He did not know her name. He described her to the FBI only as a "very large woman."

Opp explained to Committee investigators in July that this charge was based in part on an encounter he had with her. Opp did not know the woman's name, but described her as blonde, obese, and having a prominent nose. He said he met this woman at a doorway to the House Floor and she remarked, "These guys could use some help from time to time. Do you think you could help?" Opp declined and went on his way. Based on this exchange, Opp had concluded she was seeking to arrange sexual liasions. By September, Opp changes his mind about this conversation. He testified at his deposition that he had "probably misread that incident."

(3) Investigative findings

It is difficult not to dismiss Opp's original stories, particularly about the lobbyist, as ludicrous on their face. Had it not been for the serious public concern about the "page scandal," Opp's charges would not have even warranted investigation. Nonetheless, to the extent possible, the Special Counsel attempted to investigate these charges. The Special Counsel looked for methods of investigating Opp's charges in ways other than by simply questioning the participants, who, assuming any wrongdoing, would be likely to deny it. This proved to be a difficult task. In each instance, the only thing which was alleged to have occurred was a brief conversation between Opp and another person. The two snack bar attendants Opp thought had overheard the conversation between Opp and Congressman G were interviewed by Committee investigators, but neither remembered the incident.

In an effort to seek some independent evidence, the Special Counsel deposed three former pages, all friends of Opp, whom Opp claimed he had told about his various experiences, if these witnesses could establish that Opp had at least related consistent versions of these events to them, more or less contemporaneously with those events, that consistency would have some limited corroborative effect. While all three former pages recalled Opp's informing them of at least one encounter with a Member of Congress, none of their recollections of these incidents were consistent with each other, and all were different from Opp's version of events.

Finally, two of the three page friends testified that they did not believe aspects of Opp's story at the time he first told it to them last Spring. One testified that Opp was undergoing some difficult personal problems at the time. The second testified that aspects of Opp's story were "ridiculous" and that he was very concerned that innocent people named by Opp would be damaged if Opp's allegations appeared in the press.

It is the Special Counsel's view that Opp's interpretation of these incidents has more to do with his own idiosyncratic reaction to situations rather than misconduct on anyone's part. All his allegations of personal experiences were nothing more than brief conversations. There was no sexual contact, no sexual harassment, no overt misconduct. The fact that Opp himself has retreated from his conclusion that two of the four incidents had sexual overtones and has expressed doubts about the third, further suggests that the "advances" were more imagined than real. The total absence of any corroborating evidence and Opp's general reputation only reinforce this conclusion. Under scrutiny, Opp's allegations of sexual misconduct arising out of these personal encounters simply collapse.

(4) Information From Others

In his initial interview with the FBI, Opp passed on a number of stories of misconduct that he said were told to him by the CBS news reporter. These included a number of named Congressmen allegedly involved in homosexual ring of 25 to 50 Congressmen for whom pages were procured for sex by an employee of the Doorkeeper's Office. Opp said his knowledge about these allegations was limited to what he said he has been told. The CBS reporter declined to discuss with the Special Counsel what he had said to Opp, much less the basis for any allegations that had been discussed.

Without the reporter's cooperation, only one of these allegations had sufficient detail to warrant investigation: that a sex ring was operating out of the Doorkeeper's Office. Investigators in the Special Counsel's Office inteviewed every employee of the Doorkeeper's Office about this allegation and deposed four of the key employees. Every page or former page who was deposed was asked about these allegations. Absolutely no support was found for the charges. Indeed, it is almost impossible to imagine a sex ring of the magnitude alleged flourishing in secrecy in the fishbowl of Capitol Hill.

Opp did make three other allegations about sexual misconduct of Members of Congress which the Special Counsel did investigate.

These all concerned incidents of which Opp had no first-hand knowledge. No evidence has been found to support a single allegation.

Congressman H: Opp told the FBI he believed Congressman H was having sexual relations with a male page. Opp based this conclusion on four specific observations. First, Opp claimed that on three separate occasions, the page said that he was going to drive Congressman H to the airport so that the Congressman could fly to his home state. But Opp said that on each occasion, Opp saw Congressman H on the House floor or in one of the office buildings the next day. Second, Opp once overheard a House employee who worked on the Floor of the House say to the page, "You got to get to know these people a lot better to stay here." The employee also told the page, "Go on about your business and I will tell you when it is time." Third, Opp testified that on one occasion he had asked the page "what the hell he was doing" after one of these conversations and the page said that he "needed to stay here." Fourth, the page had obtained appointments from several different Members of Congress.

Solely on the basis of these observations, Opp concluded that the page was having sex with Members of Congress and specifically with Congressman H in order to keep his job.

Opp's view of these incidents had changed radically by the time of his deposition in September. He said that at the time he talked with the Justice Department officials about this allegation.

> [E]verything had the taste of, you know, perversion acts and that type of thing, and at this point I just, after rehashing with myself, using a bit of hindsight, and thinking that—back then I was doubting; I was doubting myself; I was doubting people I was in contact with; I was doubting all the congressmen who I had idolized at some point and so it was very easy to assume that.
>
> But after rehashing and hindsight, I was thinking the situation probably was that he was looking for an appointmentship.

In the Special Counsel's judgment, the basis advanced by Opp for his original allegation is so flimsy and farfetched that it is not credible on its face. Nonetheless, the page in question has been deposed. The page testified that he never told Opp that he was driving Congressman H to the airport unless he actually drove the Congressman to the airport. The page testified that he drove the Congressman on one occasion. The page further testified that he was not solicited by nor did he engage in homosexual relations with the named Congressman, with any other employee or staff member of the House of Representatives, or with any Member of Congress.

In addition, the House employee named by Opp was interviewed and provided a sworn affidavit. The House employee denied being involved in any homosexual activity and said that he cautioned the page to get to know the Members' faces so he could get a job in the Cloakroom.

Congressman H has said that he sponsored this page after the page's prior appointment by another Member had expired. The page contacted someone on Congressman H's staff who investigated the page's credentials and recommended that Congressman H sponsor him; Congressman H did not interview or meet the page prior to sponsoring him.

Congressman H used his pages as drivers on occasion. On one occasion he had an early morning flight to his home state from Baltimore-Washington airport. Rather than leave his car at the airport, he drove to the page's house, picked up the page, drove to the airport, and left the car with the page to drive back to Washington. This incident may have triggered Opp's speculation about the pages driving him to the airport.

Congressman H noted that he never used any of his female pages to drive him anywhere in the evening because he was concerned that someone who spotted him getting into a car driven by a young woman would speculate about their relationship. He adhered to this position despite his wife's protest that he was discriminating against his female pages. (The pages liked to drive the Congressman because it gave them the opportunity to talk to him and get to know him.) The Congressman found it ironic that he should be accused of having a sexual relationship with a male page because the page had driven him.

There is simply no evidence whatsoever to support Opp's initial allegation. Indeed, as Opp himself came to recognize, the "evidence" Opp cited in support of the initial allegation does not support it at all.

Congressman I: Opp told the FBI that an employee of the House of Representatives gave a party in April, 1982, at which Congressman I "came on physically" to a certain page. Opp said that the advances made by Congressman I were "groping stuff." Opp did not attend the party himself, but claimed to have had a conversation with a page who did. Opp named three other pages who were present at the party.

Based on Opp's allegations, the Special Counsel interviewed and deposed the page involved, and a number of other pages. The page who was reportedly the victim of the uninvited physical advances testified he had never been at the home of a House employee where Congressman I was present—totally contradicting what Opp had reported. The page further testified that he did in fact attend a party at Congressman I's house in April or May, 1982. There were approximately 12 other people in attendance, including the Congressman, his wife and children, one or two page supervisors and at least one of their wives, and several Cloakroom pages. The page testified that the Congressman made no advances to him. The page further testified he did not tell anyone that the Congressman had made any physical advances to him.

Another page who attended the party testified that the party occurred around May 25, 1982. In addition, this page testified he saw no advances by the Congressman or physical contact between the Congressman and any page. Nor was he told about any such advances or physical contact.

Interviews with and depositions of more than half a dozen other pages and individuals who were present at the party, including page supervisors, corroborate this testimony that there was no such sexual advance at Congressman I's party by the Congressman.

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These individuals also said they knew of no party at the home of the House employee attended by the Congressman. Congressman I in an interview also denied the story. A photo array containing the photograph of the page was shown to I's staff. No one recognized the page.

It is wildly improbable that the Congressman would have made the type of advance described by Opp in the presence of his wife and children, who, all of the witnesses agree, attended the party. No evidence supports Opp's allegation; to the contrary, all available evidence leads to the conclusion that the allegation is false.

Congressman J: Opp testified that he had heard that Congressman J was sleeping with a female page. Opp said that the page's roommate, and Opp's own roommate had both told him about this relationship. According to Opp, the page's roommate had told Opp at a party that the Congressman was paying the page's rent. Opp said he was told that the page would purchase a money order, using funds supplied by Congressman J to pay her share of the rent. Opp's roommate repeated essentially the same information about this page and the Congressman approximately one month later—telling Opp this information also came from the page's roommate.

The Special Counsel's staff interviewed and deposed the page and her two roommates, one of whom had allegedly told Opp about the affair. Each of them denied any knowledge of such an affair.

The Special Counsel also took the following steps:

> The Committee subpoenaed bank account records of the page and her roommate who collected the rent checks and sent them to the landlord. Those records reflect no evidence of a monthly payment from Congressman J. The records are consistent with the page's testimony that she paid her share of the rent by check on a monthly basis.
>
> The Congressman's secretary who handled his personal finances was interviewed and deposed. She testified there were no records consistent with a pattern of regular monthly payments in the amount of the page's rent, and that the records reflected no payments to any pages.
>
> An investigator examined the House Finance Committee's periodic reports on Congressman J's office expenditures. There were no payments from his office account to pages or for money orders. Nor were there any payments consistent with a pattern of monthly payments of the page's rent.
>
> An investigator also examined the cancelled checks from the Congressman's personal account for the pertinent period. These checks reflected no payments to the page, no purchase of any money orders, and no pattern of payments consistent with the monthly payment of the page's rent.
>
> The Committee investigators also showed to Congressman J's staff a group of unmarked photographs of female pages including the page supposedly involved in the affair. No one on the staff remembered the page as someone they had seen in Congressman J's presence.
>
> Congressman J responded to detailed questions from Committee investigators and denied the affair.

In sum, no evidence could be found to suggest that Congressman J paid the page's rent or was involved in any sexual relationship with the page. The page's roommate testified that it was possible that this rumor resulted from a joke she had made about the fact that the page regarded the Congressman as attractive.

D. Other allegations

During the course of the investigation pursuant to H. Res. 518, the Special Counsel has received a number of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. The Special Counsel has concluded his investigation of the allegations set out below. They fall into two categories. The first set of allegations proved unfounded. The second set of allegations proved to have insufficient grounds to warrant further investigation either because of the staleness of the incidents or because the allegations concerned individuals no longer associated with the House of Representatives.

Allegation: The Special Counsel received an anonymous letter charging that a Congressman had raped a participant in a university's internship program who had been placed in Washington, D.C. The anonymous author claimed that the director of the program was aware of the incident.

Investigation: The Special Counsel's staff interviewed the program director, two other university staff members, and an intern who had allegedly been placed in Washington, D.C. The director denied any knowledge of such an incident. The director advised the Special Counsel's investigators that he had previously been questioned about this charge by three local newspaper reporters who had each received a copy of the same anonymous letter just prior to the 1982 congressional election. The other interviews established that there were no interns from this program in Washington, D.C., during the term of office of the accused Congressman.

Conclusion: The Special Counsel has found no evidence to support the allegation as described in the anonymous letter and has terminated the investigation of this matter. The timing of the allegation suggests that the anonymous source hoped to embarrass the Congressman immediately before the election.

Allegation: The Special Counsel's staff was told by two sources that a former female page had dated a House employee. Neither source could identify the employee, although one source said that the employee was a "page supervisor." Also, an anonymous caller named a particular page supervisor as being "involved with female pages."

Investigation: The Special Counsel's staff interviewed and deposed the female page. The page denied dating any Member, officer, or employee of the House, and was unable to recall anything she might have said that would have suggested that she had dated a page supervisor. However, she acknowledged that she often made joking remarks that others took to be serious. Her roommate testified that she was prone to exaggerate her social relationships. Other pages cited this female page as the source of other unfounded rumors. In numerous interviews and depositions of other pages, the Special Counsel inquired about whether the named supervisor was involved with female pages. No page knew anything about it.

Many pages knew this supervisor and testified that the allegation was wholly inconsistent with their experience and perception of the individual in question. The individual was deposed and denied the allegation under oath.

Conclusion: The Special Counsel has found no evidence to support further investigation.

Allegation: A former page told the FBI and the Special Counsel's staff that a Congressman had asked a female page to go out with him. The female page asked two male pages to accompany her and the Congressman to Georgetown. At the conclusion of the evening the Congressman drove the pages home and remained in the car with the female page after the two male pages had gone inside.

Investigation: The Special Counsel's staff deposed the page who made the allegation as well as the female page allegedly involved. The third page named in connection with the incident was interviewed. The female page testified that the Congressman had never asked her to go out alone with him. On the evening in question, he had offered to give her and her friends a ride to Georgetown. She testified that the Congressman drove them to Georgetown, accompanied them to a club and drove them home. She testified that he never made a sexual advance to her. The statements of the second male page were consistent with those of the female page. Both the female page and the second male page stated that the page who made the allegation had consumed so much beer while at the club that his memory of the evening was unlikely to be reliable.

Conclusion: The Special Counsel has found no evidence to conclude that the Congressman made a sexual approach to the female page.

Allegation: A former page told the FBI of a conversation he had had with a Congressman in which the Congressman apparently propositioned him.

Investigation: The Special Counsel's staff deposed the page who gave a different, wholly innocent, account of a conversation with the same Congressman. Other statements of the page who reported the allegation suggested that his initial interpretation of events was questionable and that he frequently tended to assert conclusions that, in the judgment of the Special Counsel, had no rational basis. The Congressman was interviewed and does not recall having met or conversed with the page, although he acknowledged it was his habit to "make small talk" in the Cloakroom where this incident was alleged to have occurred.

Conclusion: The Special Counsel has found no evidence to support the allegation.

Allegation: In response to the Special Counsel's letter to former pages, a former female page wrote that, in the corridor of a House Office building, a male who she believed to be a Congressman had put his arm around her waist and invited her into an office. She wrote that she "turned down the offer."

Investigation: The Special Counsel's investigators interviewed this page twice. The page described the incident as a "joke," and recalled that she had laughed at the time. She reviewed photographs of all Congressmen who fit the physical description she gave and was unable to recognize any as the man who had approached her.

Conclusion: The Special Counsel has found no evidence to suggest that any misconduct occurred.

Allegation: A former page alleged that statements and conduct of certain female pages led him to believe that Capitol Police had been sexually involved with three female pages, two of whom had been Senate pages.

Investigation: The Special Counsel's staff reinterviewed and deposed the page who made the allegation, and forwarded his statements about the former Senate pages to the Senate. The former female House page denied that she had had any sexual involvement with Capitol Police. Testimony of the page who made the allegation had been contradicted on a variety of matters by other evidence which has raised serious questions about his credibility. In addition, a former aide of his sponsor has questioned his credibility.

Conclusion: The Special Counsel has found no evidence to support further investigation.

In several instances, the Special Counsel received allegations of improper or illegal sexual conduct that occurred many years ago, or by individuals who had once been but were no longer Members, officers, or employees. Further investigation of these allegations will not be pursued.

Respectively submitted,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

Dated: December 14, 1982.

APPENDIX A.—FEBRUARY 1982 PAGE INVESTIGATION BY U.S. CAPITOL POLICE

The United States Capitol Police (U.S.C.P.) conducted a brief investigation into allegations of misconduct involving pages in early February, 1982. This investigation was triggered by the discovery in Leroy Williams' apartment of another page's missing wallet and by information from Williams' landlady about drunken parties.

The Committee received allegations that the U.S.C.P. investigation had been prematurely terminated. These allegations implied that the U.S.C.P. had information relevant to the Committee's investigation pursuant to House Resolution 518. This Committee and the Special Counsel agreed that the Special Counsel should investigate the conduct of the U.S.C.P. investigation.

The Special Counsel has reviewed the written records of the U.S.C.P. investigation, and has interviewed or deposed (a) the Capitol Police detective who carried out the investigation and his superiors; (b) individuals in the offices of the Doorkeeper and the Sergeant-at-Arms; (c) Members of the House and their staffs who received information about the U.S.C.P. investigation, and (d) pages who were interviewed by the U.S.C.P.

The Special Counsel's inquiry has been directed at the following questions:

1. What was the scope of the police investigation, and what information did it obtain?
2. Was the investigation prematurely terminated?
3. What action was taken as a result of the investigation?

4. Did the police inquiry itself unintentionally contribute to rumors which later led to public allegations of sexual misconduct involving Members of Congress and pages?

FACTS

A. Initiation of the investigation

The last day on which Leroy Williams worked as a page was Friday, January 29, 1982. That weekend he moved out of his apartment at 24 Third Street, N.E., and left Washington, D.C.

Following Williams' departure, his landlady found certain items in the apartment he had occupied. These included literature and other items strongly suggesting homosexual interests. In addition, she found a wallet belonging to a female page.

Williams' landlady contacted the House Doorkeeper's office and was referred to Sergeant John D. Grossi of the Capitol Police. Grossi had earlier been assigned to investigate the disappearance of the wallet found in Williams' apartment. On February 2, 1982, Williams' landlady met with Grossi to give him the wallet. During this meeting, she told him that she had also found some pornographic literature in Williams' room, including what appeared to be a directory of male prostitutes. She also reported to Grossi that Williams' neighbors had complained to her about loud, late-night parties attended by pages at Williams' apartment. She and Grossi discussed the possible use of drugs and alcohol at these parties.

After his conversation with Williams' landlady, Grossi met with his superiors, Deputy Chief Gilbert Abernathy and Chief James M. Powell of the U.S.C.P., and related what he had learned. Chief Powell then telephoned House Sergeant at Arms Benjamin R. Guthrie, who is the representative of the House of Representatives on the Capitol Police Board. Arrangements were made for Grossi to brief Guthrie on the information he had received relating to pages.

Grossi met with Guthrie in Guthrie's office in the Capitol on February 2 or 3, 1982. After that meeting, Grossi and Guthrie met with House Doorkeeper James T. Molloy, whose staff supervises the work of House pages. In both meetings, Grossi discussed the information which he had received from Williams' landlady regarding page conduct. He told Guthrie and Molloy about the missing wallet and the homosexual material found in Williams' room. He also told them about the allegations of page participation in loud, late-night parties at which drugs and alcohol may have been consumed. He was instructed to investigate the allegations, and to report back to Guthrie.

B. Grossi's interviews of pages

Over the period of a week, from February 4 through February 10, 1982, Grossi questioned eight pages. He reported back to Guthrie twice—once in the middle of this period and once at the end.

On Thursday, February 4, Grossi interviewed three pages about their personal activities and those of other pages. According to his interview reports, these pages told him about all-night "drinking parties" in Williams' apartment, attended by other pages; the use of drugs by Williams; and consumption of alcohol by pages at parties and at various commercial establishments. One or more of the three also told Grossi that Williams and a second page had taken pages to Fourteenth Street (an area of Washington frequented by prostitutes, which has a high concentration of pornographic bookstores and nightclubs). At least on the trips organized by the second page, the pages were alleged to have used the services of prostitutes. Grossi's report names eight pages as being "involved, directly or indirectly" in the various activities described by the three pages.

On Friday, February 5, Grossi personally delivered the written report of his interviews with these three pages to Guthrie and discussed with Guthrie the information obtained in these interviews. Guthrie immediately arranged a second meeting with Molloy to provide him with the information in Grossi's reports.

By Monday, February 8, Grossi received information suggesting that Williams might have been responsible for the theft of a page's car, which had disappeared on January 6, 1982. On that day, he learned that both the car and Williams were in Tuscaloosa, Alabama. He conveyed this information to Guthrie on February 9 and also provided it to the Metropolitan Police who were responsible for investigating the stolen car.

Also on February 9, Grossi reinterviewed one of the pages he had interviewed earlier and interviewed another page for the first time. His written reports state that these pages told him that they believed Leroy Williams was a homosexual, that the pages "had no further information regarding any other pages that were homosexuals" or about homosexual activities among pages or nonpages. The report of Grossi's interview with the page he interviewed for the second time indicates that she said she did not know of any adults from the House or Senate attending any parties which she attended. The interview reports also included information about the use of alcohol by pages at parties given by Williams and others, the willingness of Washington commercial establishments to serve pages alcohol, the use of drugs by pages, and trips by pages to Fourteenth Street allegedly to pick up prostitutes. One of these pages also told Grossi about two separate fights involving two male pages.

Grossi's reports indicate that on February 10, he interviewed three additional pages. These three interviews focused on an incident at a page party in which a page had struck someone on the head with a bottle.

On February 11, 1982, Grossi wrote a summary report in which he listed eight pages whom he had interviewed.[1]

The summary report included this paragraph:

> With the exception of the few cases of misconduct as indicated by prior reports involving Pages, this investigation could find no further indications of sexual overtones or misconduct involving Male or Female Pages or non-Page adults.

Also on February 11, Grossi wrote a second report indicating that he met with Guthrie at 9:30 a.m. on that day, and that, at the direction of Guthrie, the page investigation was terminated. This second February 11 report indicated that, as a result of the investigation, four pages, including Leroy Williams, were being dismissed. Grossi wrote no more reports as part of his investigation. On June 25, 1982, he was contacted by a television reporter asking questions about the investigation. At that time he wrote a summary report of the investigtion for his superiors.

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[1] No individual interview report appears to exist for one of the pages listed, but this page has confirmed that Grossi did in fact question him.

Some of the pages whom Grossi interviewed have reported lines of questioning that are not reflected in Grossi's written reports. One page testified that Grossi asked her if she had ever been approached by a Member of the House of the Senate and if she had ever heard anything about Williams being approached by a Member of Congress. This page said that she heard that Grossi asked the same questions of everyone else. She also testified that Grossi's questions led her to believe that Leroy Williams had "some kind of sexual involvement with Congressmen."

Grossi himself has denied under oath that he asked any page about being propositioned by Members of Congress. He said that he had no reason to ask such questions. But he testified that he believes he did ask pages about propositions from "nonpage adults." He testified that the only conversation he had with pages specifically regarding a Member of Congress related to a Member who allegedly had asked some pages out for a drink. Grossi could not recall who had told him about this, and he had never learned the Member's name.

A second page testified that Grossi asked her if Williams was involved with a prostitution ring, and if he was a liaison for Congressmen. Grossi testified that he asked the pages about sexual contact between pages and between pages and non-page adults, and he "probably" asked all of them if Leroy Williams was a homosexual. But Grossi does not recall asking the questions described by the page.

A third page testified -

> That Grossi told him that one of the reasons another page was dismissed was "conclusive evidence that he was prostituting himself on Fourteenth Street as well as picking (prostitutes) up;" and
>
> That Grossi asked questions about these "prostituting activities" and about the sexual activities of yet another page.

Grossi said he heard early in his interviews that Williams and another page were taking pages to Fourteenth Street, and that he probably asked other pages about this allegation in subsequent interviews. However, he denies having told anyone any page was fired for prostitution. In fact, Grossi said he did not learn of any page's dismissal until the termination of his investigation. Thus he could not have given anyone any reason for a page's dismissal during his interview.

Based on the interviews and the evidence, the Special Counsel concluded that Grossi did ask about pages' sexual conduct and about contacts with adults, but did not ask about Members of Congress or about Williams and prostitution. Rather the Special Counsel has concluded that these subjects were the result of assumptions or speculation on the part of pages about what lay behind Grossi's investigation.

C. Termination of the investigation

Grossi's reports indicate that Sergeant at Arms Guthrie instructed him to terminate the page investigation on February 11, 1982. Grossi has testified that the termination of the investigation at this stage was a surprise to him, inasmuch as he had not yet spoken to all the pages implicated in earlier interviews. In particular, he had planned to interview the second page, in addition to Williams, who was alleged to have taken other pages to Fourteenth Street. He said, however, that it was his understanding that the matter was to be handled "administratively," and that, while police involvement was no longer required, the questions raised by the investigation would be addressed.

Guthrie has testified that it is his recollection that, at the time of the termination, Grossi himself felt that he had pursued the matter as far as he could. Guthrie recalls that the pages who had not been interviewed had left Washington and were no longer accessible to the Capitol Police. In any event, on February 11, Guthrie felt that the investigation should be concluded. He pointed out that the investigation had been initiated by the police because of a page's missing wallet, and the primary suspect in the theft of the wallet, Leroy Williams, was then far from the jurisdiction of the Capitol Police. The information about page misconduct had been forwarded to the Doorkeeper of the House, who was responsible for the pages. Guthrie, therefore, felt that he and the police had done as much as they could.

Guthrie's recollection is supported by Grossi's first February 11 report, which the evidence indicates was given to Guthrie at the time Grossi met with him on February 11. In tone and in content that document suggests a final report.

Guthrie testified that he provided Grossi's written report to Molloy immediately following the February 11 meeting.

D. Action taken as a result of the investigation

(1) Notification of sponsors

Before the investigation ended, but after Guthrie and Molloy had received Grossi's report of his first interviews with pages, they met with House Speaker Thomas P. O'Neill to inform him that an investigation of pages was in progress. This meeting took place in the Speaker's office, probably on Friday, February 5 or Monday, February 8. Guthrie recalls that Molloy showed the Speaker the written reports of Grossi's interviews, but Molloy does not recall that he did so. Both agree that the meeting was brief; that it was solely to inform the Speaker, and that it was consistent with their practice to keep the Speaker advised of developments within their respective areas of responsibility.

Neither recalls with any specificity what was said at the meeting. Molloy says that he told the Speaker that an investigation of page activity was being conducted, but is uncertain that he specified it was being conducted by the police. He also says that he may have mentioned allegations regarding the stolen car, wild parties, beer drinking, and homosexual activities. He says that he may have mentioned the possibility of homosexual activities involving Members of Congress, although he testified that he had not heard any allegations relating to Members and pages at this time. Guthrie recalls only that Molloy briefed the Speaker regarding the investigation. Both recall that the outcome of the meeting was that the Speaker instructed Molloy to inform the congressional sponsors of the pages of the information being developed about their pages.

The Speaker himself also recalls this meeting lasted only a few minutes. He remembers that Molloy told him there had been a problem with a page and that the problem involved the theft of a car and a wallet. He does not recall more than one page being mentioned. He does recall telling Molloy to inform the page's sponsor.

Over the next several days, Molloy contacted or attempted to contact the sponsors of pages named in Grossi's interview reports. Molloy recalls that he reached most of the sponsors or their staff, although he also recalls that he was unable to reach some of the sponsors. Most of those contacted by Molloy report that they received very little information regarding the substance of the investigation. Only Williams' sponsor, Representative Bethune, and one other sponsor reported receiving any indication of allegations of homosexual activity. In most cases Molloy simply reported that the page in question had been named in an investigation of misconduct.

Representative Bethune was visited by both Molloy and Guthrie on February 9. Guthrie and Molloy reported to Behtune about the items found in Williams' room indicating homosexual interests, the parties in his apartment, the allegations regarding trips to Fourteenth Street, and the evidence suggesting that Williams had stolen a page's wallet and another page's car. It is Bethune's recollection that there was no mention of any information relating to Members of Congress.

2. Dismissals

Molloy dismissed two pages. He testified that the performance of these two pages had been criticized by his staff in the past. In addition, Molloy said at the same time that Grossi reported they were misbehaving, he received reports from the Page School indicating that both had failed to meet minimum academic requirements. Considering all these factors, Molloy decided to send these pages home.

Grossi's final report indicates that a fourth page was also dismissed. In fact, this page was not dismissed. Molloy testified that he considered dismissing this page, because he had heard that the page had a drinking problem and that he was a source of trouble among the pages. But one of Molloy's subordinates told Molloy that the page performed well on the job. Molloy said that the page's Congressional sponsor also argued against his dismissal. Molloy decided to let the page stay, but instructed one of the page supervisors to speak to him regarding his behavior.

3. Warning to other pages

The Deputy Doorkeeper, Jack Russ, called a meeting of House pages in which he announced that some pages would no longer be in the program. The purpose of this announcement was to warn other pages of the consequences of misconduct. Molloy testified he was not a participant in this meeting and did not know it occurred.

E. Rumors resulting from the police investigation

Grossi's questioning of pages clearly lead to speculation among the pages about the origin and purpose of the investigation. The rumors and gossip stimulated by the investigation in fact greatly complicated the task of reconstructing what actually occurred in the course of the inquiry. Two examples should demonstrate how some of the rumors began. The evidence obtained by the Special Counsel supports Grossi's testimony that he asked the pages he interviewed about sexual contacts between pages and "non-page adults." At least one page who was interviewed assumed from that question that she was being asked about approaches by Members of Congress. Undoubtedly that page in turn told other pages that the U.S.C.P. was investigating sex between Members of Congress and pages.

The second example involves other pages interviewed by Grossi. A male page testified that Grossi had hinted about pornographic material, drugs, and a stolen wallet having been found in Williams' apartment. The page said that he had compared notes with a female page also interviewed by Grossi to try to figure why Williams was involved in these things. At that time the female page had said that Williams was acting as liaison between Congressmen and prostitutes. The male page said he believed his colleague was surmising this from Grossi's line of questioning.

This testimony is corroborated by that of another male page, who said he heard the same female page say that Williams had been involved in setting up a prostitution ring for Members of Congress. He said this remark occurred in a conversation in which pages were speculating about the reasons for the Grossi investigation.

Whatever the source of this rumor, it was plainly in active circulation before Grossi's investigation was even completed. On February 11, a staff member at the Democratic Study Group called a staff member of the Committee on Standards of Official Conduct to report a rumor that a page sponsored by Representative Bethune had been sent home. The rumor had a variety of details—most inaccurate—including the claim that the page was a homosexual who had been "pimping" for Members of Congress. The staffer who called in this rumor reports that he heard it from a staff member in Representative Schroeder's office. This staffer in turn heard the allegation from a page, Jeffrey Opp.

CONCLUSIONS

A. Scope of the investigation

Based on the evidence obtained in the course of this investigation, the Special Counsel has found that the U.S.C.P. investigation was based on allegations of misconduct by pages, and that at no time in the course of the investigation did the police receive any significant allegations of misconduct by anyone else. The investigator conducting the inquiry did receive information that an unnamed Congressman had invited some pages to have a drink. But the investigator was also told that this invitation was not accepted. He asked questions of pages regarding their contacts with adults. While some pages recall that he asked questions regarding Members of Congress, no one has ever said that any information about misconduct by Members was ever provided to the U.S.C.P. Sergeant Grossi himself has testified that he received no information about Members of Congress, other than the information regarding the invitation for a drink. There is no evidence that the police ever received any other information in the course of this investigation which suggested misconduct by any Member or nonpage employee of the House.

B. Termination of the investigation

The Special Counsel has found it important to distinguish between two questions. First, from a law enforcement point of view, was the investigation prematurely terminated? In other words, were there indications of criminal activity that were intentionally ignored by the Capitol Hill Police when the investigation was concluded?

But this question must be distinguished from a second question that raises the broader responsibilities of the House of Representatives in supervising pages. That question is the following: Was appropriate follow-up action taken by someone in the House on the basis of the information developed by the Capitol Hill Police?

We turn first to the law enforcement question.

The Committee has deposed both House Sergeant-at-Arms Guthrie and Sergeant Grossi and has interviewed Grossi's police superiors, Deputy Chief Abernathy and Chief Powell, regarding the propriety of the termination of the police investigation. All agree that there was no longer any criminal matter to investigate when the inquiry was concluded on February 11. In their view, Grossi's effort began as an investigation of a stolen wallet. The prime suspect in that case, Williams, was hundreds of miles from the jurisdiction. Given the petty nature of the offense, there was no practical possibility of extradition. The stolen car, which did come to Grossi's attention in the course of the investigation, was a crime that was within the jurisdiction of and being investigated by the Metropolitan Police, not the U.S.C.P. (Grossi did inform the Metropolitan Police of the information he received regarding the car.) Grossi had received no other allegations of criminal activity within U.S.C.P. jurisdiction. Therefore, from the point of view of the Capitol Police, there was nothing further to investigate.

There is no evidence that the decision to terminate the Capitol Police investigation had its roots in any effort to conceal evidence of criminal misconduct or to conceal evidence of wrongdoing by Members, officers, or employees of the House. The Special Counsel has found no indication that the police possessed any such evidence or information.

But there clearly was a serious failure on the part of the House as an institution. While it may have been acceptable to conclude the police investigation, information had been developed that required further action.

Grossi's investigation left the following questions outstanding:

1. Had minor pages in fact visited Fourteenth Street area and used the services of prostitutes?
2. Were commercial establishments in the vicinity of the Capitol routinely and consciously serving alcoholic beverages to minor pages?
3. Were pages using illegal narcotics?
4. Were pages attending all-night parties, to the detriment of their school and work performance?

But no further official inquiries were made by officers or employees of the House to answer these questions, until allegations of homosexual conduct involving Members of Congress and pages were publicized by the media in late June and early July, 1982.

No one took action that was plainly required. Specifically, nothing was done to determine with certainty whether pages had used the services of prostitutes. More importantly, nothing was done to prevent such activities in the future. No action was taken to stop several commercial establishments known to be patronized heavily by pages from serving them alcohol. No action, other than the implied threat in the announcement that two pages had gone home, was taken to stop the practice of all-night drinking parties by some pages.

In the judgment of the Special Counsel, the current fragmentation of responsibility for the pages resulted in a serious failure on the part of the House as an institution. Pages are sponsored by individual Members of the House. At work, they are supervised by the Doorkeeper's Office. The House requires the parents of a page to sign a written statement "assuring full responsibility for the safety, well-being and supervision of the [page] while living in the District of Columbia area." The Capitol Police have a narrow jurisdiction, and the metropolitan Police can hardly be expected to focus on the welfare of pages scattered in apartments on Capitol Hill.

Based on the evidence received in the course of this investigation, the Special Counsel believes that there is an urgent need for the House of Representatives to fix responsibility—formally and in writing—for the supervision of pages after working hours. In the Special Counsel's judgment, the lack of clear responsibility led directly to the failure to address the serious problems of misconduct that developed among the pages in 1981 and 1982. If the House chooses to employ teenage high school pages, establishing a page dormitory and a Page Board are steps in the right direction. But unless responsibility for supervision of teenage pages after working hours is clearly established, the problems that developed in 1981-82 are likely to recur.

APPENDIX B

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., September 27, 1982.

Mr. JOHN FERRUGIA,
CBS Television News,
Washington, D.C.

DEAR MR. FERRUGIA: On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorizes the Committee on Standards of Official Conduct to carry out an investigation of—

(1) Alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) Illicit use or distribution of drugs by Members, officers, or employees of the House;

(3) The offering of preferential treatment by Members, officers, or employees of the House, including congressional pages, in exchange for drugs or sexual favors.

The Committee has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolution 518, which authorizes the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct, and my response at the time of appointment are enclosed.

In the course of our investigation, information has been received concerning statements you made in the course of interviews you conducted earlier this year. That information indicates that you stated to individuals whom you interviewed that you had knowledge of improper or illegal conduct by Members, officers or employees of the House of Representatives, within the scope of House Resolution 518, and that in at least some cases, you identified the person involved in such conduct.

Since the Committee has charged me with the responsibility to conduct a thorough investigation, I am requesting that you provide us with any information that you have falling within the scope of the investigation authorized by House Resolution 518. As a first step, I request that you meet with Mr. Hamilton P. Fox III of this office to discuss these matters, in House Annex II, Room H-2-507, at 3:00 pm, October 6, 1982. We are aware of the delicacy of the relationship between any government investigation and the press, but I believe it is important that we seek the cooperation of the press where a reporter has already disclosed the names of individuals to a number of people he has interviewed.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

CBS,
Washington, D.C., October 14, 1982.

JOSEPH A. CALIFANO, Jr., Esq.
Committee on Standards of Official Conduct.

DEAR MR. CALIFANO: I am replying to your September 27 letter to CBS News Correspondent John Ferrugia requesting that he meet with your staff in connection with your investigation pursuant to House Resolution 518. In your letter, you state that you have received "information" that Mr. Ferrugia stated to individuals whom he interviewed that he had knowledge of illegal or improper conduct by Members, officers or employees of the House and that, "at least in some cases," he identified such persons. Based on subsequent conversations with your staff, it is our understanding that a principal purpose of questioning Mr. Ferrugia would be to help assess the reliability of information obtained from certain individuals already interviewed by your staff.

As we have indicated we believe that sensitive First Amendment questions are raised by your request, even if it is limited to the above purpose. Because of the important issues involved, your request has received very careful consideration both by Mr. Ferrugia and the management of CBS News.

For many years, it has been the general practice of CBS News to provide to government agencies only that information concerning its news reports which is a matter of public record. In this respect, we are pleased to enclose transcripts of all television reports broadcast by CBS News on this story. However, your request for an interview goes beyond the as-broadcast materials, and into the area of unpublished information. It is Mr. Ferrugia's strong conviction and that of CBS News as well, that a discussion concerning unpublished material would unacceptably compromise the independence which would characterize the relationship between the press and the government.

In our view, questions as to whether and why particular statements were made during interviews with news sources go to the heart of the editorial process and are beyond the scope of legitimate inquiry by the government. It is obvious that reporters must ask questions in the course of gathering information for a story, that those questions often involve inquiries as to specific facts, and often as well involve attempts to confirm information already in the reporter's possession. (In the instant case, these questions involved not only inquiries about alleged misconduct but inquiries as well about the efforts of Members of the House to investigate such reports.) To later be interrogated by government investigators about what questions were asked and answers given can only chill the news gathering process.

We also believe it important to emphasize, in light of the significance which is apparently now being attached to statements allegedly made by Mr. Ferrugia, that CBS News believes that he acted entirely properly in his investigation and reporting of this story. Mr. Ferrugia's reports were completely factual, and dealt largely with allegations which were being actively investigated by the Justice Department, the FBI, the Arlington Police, the Speaker's Special Commission on Pages, and the Committee itself. Moreover, given these investigations by government authorities, it is reasonable to believe that information which you might seek from Mr. Ferrugia is obtainable directly from these authorities.

In sum, the reports aired by Mr. Ferrugia represented what he and his superiors at CBS News concluded could be responsibly broadcast. Other information collected or discussed in the course of his inquiry has remained and must remain private and privileged. For the Committee to seek out such information from the reporter would, in our view, constitute a serious and unwarranted intrusion into the basic right of the press to go about its business on reporing, editing and publishing without governmental interference. Accordingly, Mr. Ferrugia, with the full support of CBS News, respectfully declines to be interviewed by the Committee staff.

Very truly yours,

JOSEPH DE FRANCO,
Washington Counsel.

APPENDIX C

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., August 20, 1982.

DEAR ———: The House of Representatives has authorized the Committee on Standards of Official Conduct to investigate alleged improper conduct by any Member, officer, or employee of the House in the following three areas: (1) alleged improper or illegal sexual conduct, (2) illicit use or distribution of drugs, and (3) the offering of preferential treatment to employees of the House, including Congressional pages, in exchange for drugs or sexual favors. The Committee on Standards of Official Conduct has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolution 518, which authorizes the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct, and my response at the time of appointment are enclosed. As those documents indicate, the Committee has charged me with responsibility to conduct a fair, impartial, thorough, and expeditious investigation.

One part of the investigation is specifically concerned with House pages, and I am writing each individual who, like you, has served as a page during the last three years. I hope your service as a page was an educational, personally rewarding, and worthwhile experience. But we need to know whether you have any information that relates to the subjects under investigation. The Committee and the House need your assistance.

I am sensitive to the delicate nature of the subjects of this investigation. We intend to conduct this inquiry in a fashion which will avoid unnecessary embarrassment to anyone. We are not seeking rumor or gossip. Rather, we are seeking any information that you have from personal knowledge or that you have received from a source who you believe to be reliable and truthful. If you have such information relevant to the three subjects of the Committee's inquiry mentioned in the first paragraph of this letter and the enclosed House Resolution, I urge you to provide us with it. To the extent your experience indicates that allegations of improper conduct in the areas under investigation have no basis, we would appreciate hearing from you on that score as well.

Please contact me by sending a letter or by telephone. A properly addressed, franked envelope is enclosed for your convenience. If you prefer, you may call Jerry McQueen, Hamilton Fox, or Richard Cotton of our Special Counsel's office. You can reach them at: 202/225-8891 or 202/226-7760, and you may call collect. Because it is important to conduct this investigation as expeditiously as possible, if you do have information, you should contract us by September 15, 1982.

Those of you who have information may feel yourself caught between a personal desire not to be involved and your responsibilities to the House, to future pages, and as a citizen. Having served as a page, you are more aware, than most young Americans of the importance of the House of Representatives. I encourage you to assist the House and the Committee on Standards of Official Conduct in carrying out this investigation in order to preserve the integrity of the House and the confidence of the American people in our democratic institutions.

We are asking for your voluntary cooperation. It is important to the House of Representatives and your nation that you provide that cooperation, and I urge you to do so.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

APPENDIX B

STATEMENT OF ALLEGED VIOLATION IN THE MATTER OF GERRY E. STUDDS, MEMBER OF CONGRESS

COUNT ONE

During the period May, 1973, through August, 1973, the respondent, Gerry E. Studds ("Studds"), who at all times relevant to this Statement of Alleged Violation was a Member of the House of Representatives, did conduct himself in a manner which did not reflect creditably on the House of Representatives in violation of clause 1 of the Code of Official Conduct of the House of Representatives, in that he engaged in a sexual relationship with a 17-year-old male page (who may have been 16 years old when the relationship began), whom he knew to be employed at that time as a page by the House of Representatives. Specifically, Studds engage in sexual acts with a congressional page at various times during the period May through August, 1973, and during a trip he took with the page overseas in August, 1973, as more fully set out in the page's testimony, attached as Exhibit A to this Statement of Alleged Violation.

COUNT TWO

On another occasion in 1973, Studds did conduct himself in a manner which did not reflect creditably on the House of Representatives, in violation of clause 1 of the Code of Official Conduct of the House of Representatives, in that he made a sexual advance to a male page, whom he knew at that time was employed as a page by the House of Representatives and who was 16 or 17 years old at the time.

Specifically, Studds met the page at a bar on Capitol Hill in a group with other pages. As the group of pages broke up that evening, Studds offered to drive the page home. The page accepted. Instead, Studds drove him to his own house where they had one or more drinks. After consuming alcoholic beverages over a period of time at Studds' home, Studds made a verbal sexual advance, which the page declined. The page told at least two individuals in 1973 about the advance.

COUNT THREE

On another occasion in 1973, Studds did conduct himself in a manner which did not reflect creditably on the House of Representatives, in violation of clause 1 of the Code of Official Conduct of the House of Representatives, in that he made a sexual advance to another male page, whom he knew was at that time employed as a page by the House of Representatives and who was 17 years old at the time.

Specifically, Studds met the page at a bar on Capitol Hill one evening after a late session in the Spring of 1973. A number of other Members of the House, pages, and staff members were also present. Along with the others, Studds and the page consumed a large quantity of alcohol. Studds offered to drive this page home. The page accepted and they left the bar. Studds then invited this page to his home for another drink. After they arrived, Studds provided the page another alcoholic drink and invited the page up to a third floor room where they sat on a bed and talked. Studds then made a sexual advance which the page declined. The page told at least one individual in 1973 about the advance.

EXHIBIT A

Q. After you met Congressman Studds, did you and he get together again shortly after that?

A. Yes. Shortly thereafter—I am not sure how long, how long it was—but I was invited to go out to dinner with him and I did. The dinner took place at his apartment in Georgetown. Would you wish a follow-up question?

Q. The follow-up question would be what happened at that dinner?

A. Well, we sat around and talked about abstract and general questions, all types and descriptions, until four in the morning, drinking vodka and cranberry juice, at which time I was told by the Congressman that he was too drunk to give me a ride home and so he said, "Why don't you sleep here?" and I did.

* * *

Q. Did you and the Congressman get together subsequent to this?

A. Yes. I would imagine we had dinner three or four additional times. Specifically I do not recall. But that is in the ballpark.

Q. And did you engage in sexual activity each time?

A. Yes.

Q. When the Congressman first invited you to have dinner and as you got to know the Congressman, how did you feel in that environment, that a Congressman was talking with you?

A. I was flattered and excited.

Q. Did you feel intimidated?

A. No, I did not. I would like to state at this time—it would probably have been better if I had stated this in my opening statement—but the Congressman or the Honorable Gerry Studds was an intelligent, witty, gentle man with I think a high level of insecurity. He did nothing to me which I would consider destructive or painful. In another time, in another society, the action would be acceptable, perhaps even laudable. Unfortunately this is not the case. I have no axe to grind with him. I have nothing negative to say about the man. In fact, I thought that he provided me with one of the more wonderful experiences of my life, if we exclude the instances of sexual experience which I was somewhat uncomfortable with. But I did not think it was that big a deal.

* * *

Q. You said you felt uncomfortable with it, did you continue with him because he was a Congressman, because he was someone you were impressed with?

A. No. Well, I kept company with him because he was an intelligent man, a fun person to be with. If I could have had my druthers, I would have had the friendship that I had with the man without the sex. And I mentioned that to him.

* * *

Q. Did Mr. Studds ever offer any preferential treatment or offer you any inducement to have a relationship with him?

A. No, he did not.

Q. Did he ever threaten you or coerce you if you did not have a relationship with him?

A. He did not. Essentially all I needed to do to stop the relationship was to walk out the door, or not go in the door, as the case may be.

APPENDIX C

STATEMENT OF ALLEGED VIOLATION IN THE MATTER OF JAMES C. HOWARTH

COUNT ONE

During the period from approximately April, 1980, through mid-June, 1980, the respondent, James S. Howarth ("Howarth"), who at all times relevant to this Statement of Alleged Violation was Majority Chief Page and an employee of the House of Representatives, violated clause 1 of the Code of Official Conduct of the House of Representatives by engaging in a sexual relationship on a regular basis with a 17-year-old female page who was at the time employed as a congressional page by the House of Representatives and was under his direct supervision. Specifically, during this period Howarth and the page spent many nights at Howarth's apartment and engaged frequently in sexual relations.

The House of Representatives has special responsibility for the teenage pages it employs. Those employees of the House who supervise pages have a derivative obligation amounting to a fiduciary duty to act with propriety toward their teenage charges.

By engaging in a sexual relationship with a female page under his supervision, Howarth breached his fiduciary duties to pages, abused the trust given him as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

COUNT TWO

During the period from approximately April, 1980, through mid-June, 1980, Howarth failed to execute his duties as Majority Chief Page and dispensed special favors and privileges in violation of clause 3 and clause 5 of the Code of Ethics for Government Service and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, during this period Howarth allowed the female page referred to in Count One with whom he was having sexual relations and who was under his supervision, to absent herself from her page duties whenever she chose. These special favors and privileges constituted preferential treatment of a page as a consequence of a sexual relationship.

By violating the Code of Official Conduct and the Code of Ethics for Government Service, Howarth breached his fiduciary duties to pages, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

COUNT THREE

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, section 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period Howarth purchased one gram of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the thrust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

COUNT FOUR

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, section 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period, Howarth purchased one-eighth of an ounce of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

APPENDIX D

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., November 16, 1982.

Hon. Howard H. Baker, Jr.,
Majority Leader,
U.S. Senate,
Washington, D.C.

Dear Senator Baker: House Resolution 518, which was passed by the House on July 13, 1982, authorized this Committee to conduct an investigation of alleged improper or illegal sexual conduct by Members, officers, or employees of the House and of alleged illicit use or distribution of drugs by Members, officers, or employees of the House. In addition, H. Res. 518 authorizes the Committee to include within the scope of its inquiry any matters "relevant to discharging its responsibilities pursuant to [H. Res. 518] or the Rules of the House of Representatives."

The Committee has received allegations that two investigations conducted by the U.S. Capitol Police into matters that fall within the scope of H. Res. 518 may have been prematurely terminated. First, in early 1980 the Capitol Police conducted an investigation into drug activity among certain Hill staff which resulted in the arrest of several lower level Senate employees for the use of marijuana. This Committee has received allegations from officers involved with that investigation that information was developed at that time concerning possible use or distribution of illicit drugs by personnel of the House of Representatives. According to the allegations made to the Committee, this information was not properly pursued at the time. Second, the Capitol Police conducted an investigation in January and February of 1982 into the events surrounding the discharge of a House page. Questions have also been raised as to whether the January-February 1982 investigation was properly pursued.

At this time, we have no basis whatsoever to assess the accuracy or inaccuracy of these allegations. Neither the Special Counsel to this Committee nor the Committee has reached any conclusions as to whether these allegations have merit or not. This Committee has concluded, however, that the Committee should investigate these allegations as part of its responsibilities under H. Res. 518. In particular, this Committee feels obliged to investigate: (1) whether the conduct of the employees of the House who serve as Capitol Police officers violated any law or applicable standard of conduct with respect to matters covered by H. Res. 518; and (2) whether the Capitol Police have information that bears on the matters covered by H. Res. 518.

The jurisdiction of this Committee extends only to the conduct of Members, officers, or employees of the House of Representatives. The Capitol Police are supervised by the Capitol Hill Police Board, consisting of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms of the Senate, and the Architect of the Capitol. The Capitol Police have approximately 1200 officers. Approximately 650 of these officers are employees of the House of Representatives; approximately 550 are employees of the Senate.

The investigation which this Committee believes is necessary will entail review of the conduct of Capitol policemen who are employees of the Senate. Further, any such investigation may uncover evidence bearing on the conduct of other employees of the Senate. In any event, such an investigation into the Capitol Police conduct of the two investigations identified above will require questioning Senate employees, and may also require examination of documents in the possession of Senate employees or Senate offices. Because these matters are outside the jurisdiction of our Committee, we would like to establish a joint cooperative arrangement with the Senate that will allow the investigation to proceed while respecting the jurisdiction of the House and of the Senate.

We are prepared to work with the Senate in whatever way would be appropriate. We are also prepared to carry out the investigation utilizing our Special Counsel's investigative staff and to report to the Senate and the Senate Select Committee on Ethics any information that we acquire bearing on matters that fall within the Senate's jurisdiction.

Please let me know how the Senate would like to proceed on this matter.

Sincerely,

Louis Stokes,
Chairman.

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., November 23, 1982.

Hon. Louis Stokes,
Chairman, Committee on Standards of Official Conduct, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: I have received your letter in which you request that the Senate and the House devise a working relationship that would respect the jurisdiction of both houses in order to investigate the U.S. Capitol Police conduct of two previous investigations.

In light of the allegations that your Committee has received, the Senate agrees that the investigation which you proposed should be carried out. As you recognize, the Senate and the Senate Select Committee on Ethics have exclusive jurisdiction with respect to the conduct of officers and employees of the Senate. Under the circumstances of this case, however, it would be difficult and counterproductive to initiate separate House and Senate investigations into the matters you have identified.

We believe the arrangement that would best serve the interests both of the House and Senate would be for your Committee to pursue the investigations you outlined, utilizing the investigative resources of your Special Counsel's office. For this purpose, the office of your Committee's Special Counsel may question employees of the Senate and request documents of Senate employees and offices relative to Capitol Police conduct of the two investigations in question.

To the extent that the investigation develops any information bearing on conduct of employees of the Senate, such information should be forwarded to Senator Malcolm Wallop, Chairman of the Select Committee on Ethics; Senator Howell Heflin, Ranking Minority Member of that Committee; and to me.

It is my understanding that this arrangement is acceptable to your Committee. Thank you for your cooperation in this matter.

Sincerely,

HOWARD H. BAKER, Jr.

APPENDIX E

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., June 13, 1983.

James J. Bierbower, Esq.,
Bierbower & Bierbower, 1875 Eye Street NW.,
Washington, D.C.

Dear Mr. Bierbower: Pursuant to House Resolution 518 of the 97th Congress and House Resolution 12 of the 98th Congress, the House Committee on Standards of Official Conduct has been conducting an investigation into allegations of "improper or illegal sexual conduct of Members, officers, or employees of the House." I have been acting as Special Counsel to the Committee in the conduct of this investigation.

In the course of this investigation, we have received allegations and obtained evidence of a sexual relationship between your client, Representative Daniel Crane of Illinois, and a House page. The evidence we have indicates that this relationship occurred in 1980.

Specifically, we have obtained sworn testimony from a former House page whose identity we have given to you that in the spring of 1980, Representative Crane engaged in a sexual relationship on several occasions with that individual, who was then employed as a House page. The sexual conduct between Representative Crane and the page occurred at Representative Crane's apartment in Virginia. The page was seventeen years old at the time. In a deposition before the Committee on May 17, 1983, Representative Crane acknowledged having had sexual relations with that individual on at least two or three occasions. In short, the evidence clearly indicates that a sexual relationship occurred between a Member of the House of Representatives and a teenage page.

The legislative history of House Resolution 518 as well as the legislative history of other House actions involving pages reflects a recognition by the House of the special responsibility the House has in relation to House pages. It is clear from this legislative history that the House of Representatives stands in loco parentis to the teenage pages it employs. As the Doorkeeper of the House has testified, the pages are the "wards" of the House. Under the circumstances, a sexual relationship between a Member of the House and a House page, even if consensual, constitutes a breach of the official obligations of the Member of the House. Any such sexual relationship constitutes the precise type of improper sexual conduct covered by H. Res. 518 and H. Res. 12 and constitutes a violation of Rule 1 of the Code of Official Conduct of the House of Representatives, which states:

> A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

It is clear that the House has jurisdiction over this matter. In House Report 351, 96th Congress, 1st Session, pp. 3–5, the Committee most recently set forth its jurisdiction to recommend disciplinary action for conduct occurring in previous Congresses. The House subsequently adopted the recommendations of the Committee contained in this report, and censured Representative Charles C. Diggs, Jr. for conduct which occurred during the 93rd to 95th Congresses. In addition, in Report 930, 96th Congress, 2d Session, the Committee determined that the statute of limitations and the principle of laches are not applicable to congressional disciplinary proceedings. The House concurred in this judgment by the Committee, by adopting in 1980 a resolution of censure against Representative Charles H. Wilson, for conduct which occurred in 1971 and 1972.

In light of the above, it is my responsibility to recommend that the Committee take action to disapprove of Representative Crane's conduct. This matter obviously involves issues of great sensitivity for everyone, and I am particularly concerned about the page involved if there are extended public proceedings. Under the existing Committee rules, Representative Crane is entitled to receive a Statement of Alleged Violations from the Committee. Following the issuance of such a Statement, the Committee would establish a time-table for motions and briefs by counsel, and for a public hearing with testimony and cross-examination of witnesses.

Procedures other than the Committee's established ones may be more appropriate to this case. Section 8 of H. Res. 518, 97th Cong., incorporated by H. Res. 12, 98th Cong., provides that "the Committee is authorized to adopt special rules of procedure as may be appropriate." If Representative Crane does not wish to contest the factual findings of the Special Counsel and waives his right to a Statement of Alleged Violations and to a public hearing, I would be prepared to recommend that the Committee adopt the following procedure:

The Committee would provide Representative Crane with his counsel the opportunity to present to the Committee, either orally or in writing, a statement or argument concerning any legal, jurisdictional or other matters he wished to raise (including arguments in mitigation). This statement would be made before the Committee in executive session and would be analogous to the opportunity provided in Rule 11(a)(2)(A) of the Committee's Rules to a respondent in a preliminary inquiry initiated by the Committee. The Special Counsel would then file his report and recommendations with the Committee, which will include a recommendation that this report, and the facts in this case be made public, and the Committee would then act. Under this procedure, there would be no public hearing before the Committee.

The current investigation has been conducted pursuant to House resolution. In any event, the Committee wants to assure that Representative Crane has had all rights which would have accrued to him if this investigation had been carried out as a preliminary inquiry instituted by vote of the Committee. In a preliminary inquiry, Representative Crane would have the "opportunity to present to the Committee, orally or in writing a statement respecting the allegations" in question. Therefore, Representative Crane is invited to appear before the Committee at 9 a.m. on Wednesday, June 22, 1983. If Representative Crane agrees to the procedure set out above, the June 22 meeting will afford the opportunity to present those arguments which you wish the Committee and the Special Counsel to consider. Otherwise, the June 22 meeting will serve simply as the opportunity to make a statement analogous to the one described in Rule 11(a)(2)(A).

In the alternative set out above, I have tried to propose a procedure that is fair to your client, sensitive to the interests of the pages, consistent with maintaining the integrity of the Committee on Standards of Official Conduct and the House of Representatives, and within H. Res. 518's proviso that the Committee is authorized to adopt special rules of procedures as may be appropriate in this investigation. This letter represents my own thinking on this issue and does not constitute any prediction of what action the Committee or House may choose to take.

Sincerely,

JOSEPH A. CALIFANO, Jr.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., June 28, 1983.

JAMES J. BIERBOWER, Esq.,
Bierbower & Bierbower,
Washington, D.C.

DEAR MR. BIERBOWER: As your son, Mark Bierbower, and I discussed by telephone yesterday, I am writing to assure that we both have the same understanding of the procedures to be followed in the case involving your client, Representative Daniel Crane. In your appearance on behalf of Representative Crane before the Committee on Standards of Official Conduct, on June 22, 1983, you stated: "We willingly accept the special rules and make the necessary waivers." Your statement indicates that Representative Crane has agreed to the proposed procedure I outlined in my letter to you of June 13, 1983. Specifically, it is my understanding that Representative Crane (1) does not contest the facts as outlined in my June 13 letter, (2) waives his right to a Statement of Alleged Violation in connection with those facts, (3) waives his right to a public hearing before the Committee in this matter, and (4) agrees that the Committee may act on the basis of (a) the report the Committee will receive from its Special Counsel and (b) your June 22 statement on Representative Crane's behalf and any written presentation submitted by you no later than close of business, Thursday, July 7, 1983.

I would appreciate it if you would confirm this statement of Representative Crane's position in writing.

The Special Counsel's report concerning this matter will be submitted to the Committee no later than the middle of July. After receiving the Special Counsel's report, the Committee will take whatever action the Committee decides is appropriate in this case.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.

APPENDIX F

BIERBOWER & BIERBOWER,
Washington, D.C., July 7, 1983.

JOSEPH A. CALIFANO, Jr., Esq.,
Special Counsel, Committee on Standards of Official Conduct, U.S. House of Representatives, Washington, D.C.

DEAR MR. CALIFANO: Thank you for your June 28, 1983 letter concerning procedures to be followed in connection with Representative Daniel Crane.

In my appearance before the Committee on Standards of Official Conduct, on June 22, 1983, I did indeed indicate that Representative Crane agreed to the proposed procedure set forth in your letter of June 13, 1983. Specifically, Representative Crane (1) does not contest the facts outlined in your June 13, 1983 letter to me, (2) waives his right to a statement of alleged violation in connection with those facts, (3) waives his right to a public hearing before the Committee, and (4) agrees that the Committee may act on the basis of (a) the report of its Special Counsel, (b) my June 22, 1983 statement on Representative Crane's behalf and (c) my July 7, 1983 letter to Chairman Stokes setting forth Representative Crane's position.

Respectfully,

JAMES J. BIERBOWER.

BIERBOWER & BIERBOWER,
Washington, D.C., Juy 7, 1983.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is a statement of the legal, jurisdictional and mitigating points in support of Representative Daniel Crane's position with regard to your Committee's investigation of his activity with a female page in the spring of 1980.

I. The Committee should take no action or, in the alternative, the Committee should seal the names of those involved.

A. In lieu of reporting this matter to the House and making a recommendation, this Committee may

(1) Decline to take any action with respect to the individual conduct (*i.e.* seal the file) or

(2) Report the conduct to the House, without making a recommendation, and seal the names of the individuals involved.

B. Public disclosure of the activity and names of the individuals would impose an immediate severe punishment entirely disproportionate to the activity involved. Specifically, the Committee should decline to take any action with respect to the activity for the following reasons.

(1) It is evident, as Special Counsel has acknowledged, that no criminal activity is involved. The activity in no way violated any Federal, state or local law.

(2) It is debatable whether the activity constitutes "improper" sexual conduct within the meaning of H. Res. 518 and H. Res. 12, which confer jurisdiction upon the Committee.

(3) The activity does not constitute a violation of any specific provision of the Code of Official Conduct of the House of Representatives. The only such provision cited by Special Counsel is the catch-all provision of Rule 1 of the Code of Official Conduct, which states:

> A member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

(4) The activity involved no seduction. It was brief, consensual and voluntary.

(5) The activity did not involve the performance of official duties or responsibilities. The conduct was strictly "off-duty," away from Capitol Hill, and involved the privacy of two persons "on their own time," after work hours. The conduct does not fall within the generally accepted meaning of the term "improper," which relates only to conduct "not suited to character, time and place."

(6) This event involved a mature young woman with her own life to lead. It is understood that she accepts her share of blame for the incident.

(7) It is evident, as Special Counsel has acknowledged, that no favorable treatment was exchanged.

(8) If there is any limit to the postulate that the House of Representatives stands in loco parentis to its pages, this conduct must fall outside that limit. The page was not under the Congressman's patronage. She was mature beyond her years. The activity was totally unrelated to official duties. It took place away from the Hill.

(9) The conduct was over and done with more than three years ago.

(10) Reporting the conduct to the public will serve no purpose and can only be detrimental to the House and the page program.

C. There are strong mitigating factors which deserve the Committee's careful consideration and which should compel a decision against reporting the activity. The following factors strongly suggest that no action should be taken:

(1) The career of an elected politician may well be at stake.

(2) The well-being of the family of an elected politician, including his wife and five children, is at stake.

(3) The life of a young woman is at stake. Even the reporting of the activity, without names would bring tremendous pressure upon the young woman, who (we understand) is still in college. It is inevitable that her name would surface under relentless pressure

from the press. She would become instantly infamous and would suffer greatly from consequent notoriety.

II. Strong legal and jurisdictional arguments exist for a Committee decision against taking any action with respect to the conduct involved. Reporting the activity to the House would do no one any good. The arguments against Committee action outweigh any argument to report this activity to the full House. Furthermore, there are compelling mitigating circumstances which merit the Committee's reflection. The mere release of information and names to the public would cause grave, irreparable harm and punishment far in excess of any improper conduct involved.

For the foregoing reasons, the Committee should decline to act, and all references to the names and conduct involved should be sealed and stricken from any report to the full House.

We request that copies of this letter be furnished to all members of the Committee.

Respectfully,

JAMES J. BIERBOWER.

APPENDIX G

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., March 24, 1983.

Morris M. Goldings, Esq.,
Mahoney, Hawkes, & Goldings,
1 Walnut Street, Boston, Mass.

Dear Mr. Goldings: Congressman Louis Stokes, Chairman of the Committee on Standards of Official Conduct, has previously informed your client, Congressman Gerry Studds, that his name has come to the Committee's attention in connection with matters being investigated by the Special Counsel's office, pursuant to H. Res. 518 of the 97th Congress and H. Res. 12 of the 98th Congress.

In that connection, Chairman Stokes and Congressman Floyd Spence, the Ranking Minority Member, have authorized me to request Congressman Studds' deposition. If it is convenient with your schedule and the Congressman's, I should like to conduct the deposition at 10:00 a.m. on April 13, 1983 in Room 321 of the Cannon House Office Building. This deposition will be conducted in executive session. The Congressman has the right to representation by counsel. Copies of H. Res. 518 and H. Res. 12, the Rules of the Committee, and the pertinent portions of the House Rules are enclosed.

If you have any questions about this matter or the scheduling arrangements, would you please contact me at 202-862-1044, or Hamilton P. Fox, III, Associate Deputy Special Counsel, at 202-225-8891.

Thank you for your cooperation in this matter.

Sincerely,

Joseph A. Califano, Jr.,
Special Counsel.

Enclosures (4).

Mahoney, Hawkes & Goldings,
Boston, Mass., May 31, 1983.

Hamilton P. Fox III, Esq.,
Associate Special Counsel,
Committee on Standards of Official Conduct,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Fox: I am writing this letter in response to your telephone request of May 27, 1983 to confirm that Congressman Gerry Studds has, on advice of counsel, respectfully declined the request set forth in Mr. Califano's letter of March 24, 1983 to appear for a deposition before the Committee on Standards of Official Conduct.

My partner, Charles Francis Mahoney, and I feel that it may be useful to review briefly the grounds upon which we had advised Congressman Studds to decline the Committee's request so that counsel and, if appropriate, the Committee, may understand the basis for the Congressman's declination. We recognize, of course, that each of these issues has been raised with you before and thus we shall only summarize our position once again in this letter.

First, while we have been informed and believe that we understand the rationale behind the Committee's preference to proceed in the comparatively informal manner in which it has undertaken its investigation to date and commend the confidentiality with which the Committee has undertaken its investigation, the inevitable effect of this method of procedure as contrasted with a more formal process under the Committee's Rules is to leave a person in Congressman Studds' position without formal notice or even accurate knowledge of the precise subject matter of a potential deposition. He would therefore be unable to prepare adequately for such an appearance in view of the potential breadth of subject matter and the span of years which might be involved.

Second, our interpretation of potentially applicable claims of privilege available to a witness has resulted in our determining that such claims may not be made as effectively, and possibly not at all, in the context of a voluntary appearance for a deposition.

Third, there remain unresolved both the respective positions of counsel to the Committee and our own as to the jurisdiction of the Committee in the light of the provisions set forth in House Resolution 518 and House Resolution 12. In our prior correspondence, we have each set forth these positions, and we do not believe it would serve any particular purpose to argue them further in this letter. In view of the difference of opinion, however, counsel has necessarily weighed the jurisdictional question in advising Congressman Studds.

Notwithstanding all of the above, but without intending to waive the issues of jurisdiction or any potential claim of privilege, we have requested Congressman Studds to search his records for the documents requested in your letter of May 23, 1983 as to which I informed you there would be no necessity to issue a subpoena in order to obtain a response. As I believe you recognize, however, the material sought is ten years old and may not be now in the Congressman's possession, custody or control because of the passage of time. In order to give you a comprehensive response, we have asked the Congressman to search his records not only in Washington, but in the District, and he is doing so this week. He is scheduled to return to Washington later this week at which time he will complete the search, and I will attempt to respond to you immediately thereafter and forward whatever material has been found or otherwise write to you the results of the documents search.

Needless to say, we would be available for further discussions on any of the legal issues alluded to in this letter if you or Mr. Califano thought that productive.

Thank you for your attention in this regard.

Very truly yours,

MORRIS M. GOLDINGS.

APPENDIX H

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., June 27, 1983.

Charles F. Mahoney, Esq.,
Morris M. Goldings, Esq.,
Mahoney, Hawkes & Goldings,
One Walnut Street, Boston, Mass.

Dear Messrs. Mahoney and Goldings: As my partner, Richard Cotton, discussed with Mr. Goldings this morning, I am writing to assure that we both have the same understanding of the procedures to be followed in the case involving your client, Representative Gerry Studds. Based on a review of the transcript of the meeting of the Committee on Standards of Official Conduct on June 22, 1983, it is my understanding that Representative Studds does not accept the procedure proposed in my letter to you of June 13, 1983.

Mr. Goldings stated to the Committee:

> In appearing today the Congressman does not seek a contest of the essential facts. The analysis assumes that in 1973 the Congressman and a page, who was over the legal age of consent as established by the laws of the District of Columbia, as enacted by Congress, engaged in a private sexual relationship. The facts will also require a finding that the relationship involved no coercion, harassment, preferential treatment or use of illegal drugs.

As we understand it, your statement and Representative Studds' statement further indicated that Representative Studds does not waive his right to a Statement of Alleged Violation nor his right to a public hearing under the rules of the Committee in connection with the matters discussed in my June 13 letter.

We are proceeding on that basis. As Mr. Cotton discussed with Mr. Goldings, the Special Counsel's report to the Committee concerning this matter will be submitted no later than the middle of July. We expect the Committee to act shortly thereafter.

If our understanding of your client's position is incorrect in any way, I would appreciate hearing from you in writing by the close of business on July 1, 1983. Thank you for your assistance in this matter.

Sincerely,

Joseph A. Califano, Jr.

MAHONEY, HAWKES & GOLDINGS,
Boston, Mass., June 28, 1983.

Express Mail.

JOSEPH A. CALIFANO, Jr., Esq.,
Special Counsel, U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C.

DEAR MR. CALIFANO: In response to your letter of June 27, 1983 and confirming the discussion which Mr. Goldings had with Richard Cotton preceding receipt of that letter, the position of our client, Congressman Gerry E. Studds, is in part as stated in your letter. That is, the Congressman does not accept the procedure proposed in your letter of June 13, 1983 for the reasons set forth in the Statement of Counsel and in Congressman Studds' Personal Statement to the Committee on June 23, 1983.

Briefly, restating our view, we believe that a procedure which discloses the identity of the Congressman and a summary statement of the facts, even though not disclosing the names of other individuals, is unfair to Congressman Studds in the light of the actual facts surrounding the incidents alleged and their staleness. Further, we believe that it must be anticipated that a public disclosure will result in such intense press coverage as to render the anonymity of the individuals involved meaningless and probably inevitably engender speculation, exaggeration and sensationalism, with all of the unfairness attendant thereon.

Your letter is also partially correct with respect to Congressman Studds' not waiving his right to a Statement of Alleged Violation nor his right to a public hearing. Such non-waiver is only a portion of our position as to the proper procedures under which the Committee is presently acting. It is our opinion that Congressman Studds is entitled to the full consideration of the Committee as to whether or not a preliminary inquiry should be commenced and we have urged, and will continue to urge the Committee, not to vote such a procedure.

We are not in agreement with your apparent interpretation of the applicable resolutions and rules to the effect that the procedure afforded us, which was described as "analogous" to the presentation of a statement, substitutes for the actual procedure. We read Rule 13 of the Rules of Procedure of the Committee to mandate that an inquiry begun other than by a complaint filed with the Committee under Rule 10 must still follow Rules 11 and 12 in their entirety. Specifically, we see no authorization to eliminate that portion of Rule 11 which provides that "upon completion of the preliminary inquiry, the staff of the Committee shall prepare and transmit to the Committee a report containing a comprehensive summary of the information received in the inquiry and may include in the report a recommendation for action by the Committee respecting the alleged violation which was the subject of the inquiry." So that our position will be entirely clear, the report which your letter anticipates being filed will not, in our view, satisfy the requirements of that provision of Rule 11.

Consistent with our position, we believe that Congressman Studds has the right to have the Committee determine on the basis of the "report of the Committee staff on the preliminary inquiry" whether to "direct the staff to transmit to the respondent a Statement of Alleged Violation." We emphasize that the language contained in Rule 11(b) is that after such a Committee determination the Committee "may" so direct the staff, but we emphasize that it clearly *may not* as well. We believe that by eliminating a meaningful preliminary inquiry procedure, the Committee is not given the full opportunity to deliberate on its discretionary authority, and it was an appeal to the discretionary powers which was explicit in the presentations made on June 22, 1983.

As you know, we have consistently questioned the precise status of the procedure in this matter, but have attempted to cooperate at each stage without waiving the Congressman's rights. We wish to continue to do so. With that in mind, again referring to our Statement and that of Congressman Studds', we are asking you as Special Counsel and the Committee to give counsel an opportunity, either before the filing of your report or betweeen the time of its filing and its final consideration by the Committee, to explore the resolution proposed in our Statement, the essence of which is a summary review of the facts without disclosure of the Congressman's name or the names of other individuals involved, concluding, if the Committee so desires, with a statement of its disapproval of such actions as a violation of Rule I of the Code of Official Conduct. No doubt there are other procedures which will preserve the intended goals proposed by our Statements, and we are available at your or the Committee's direction to meet to attempt to resolve this matter consistent with those goals.

Very truly yours,

MORRIS M. GOLDINGS.
CHARLES FRANCIS MAHONEY.

APPENDIX I

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., March 2, 1983.

Mr. Joseph Volz,
New York Daily News,
Washington, D.C.

Dear Mr. Volz: On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorizes the Committee on Standards of Official Conduct to carry out an investigation of—

(1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House;

(2) illicit use or distribution of drugs by Members, officers, or employees of the House; and

(3) the offering of preferential treatment by Members, officers, or employees of the House, including congressional pages, in exchange for drugs or sexual favors.

This investigation was reauthorized by the House in the 98th Congress in House Resolution 12, on January 3, 1983. The Committee has appointed me as Special Counsel to conduct this investigation.

Copies of House Resolutions 518 and 12, which authorize the investigation, the statement of Representative Louis Stokes, Chairman of the Committee on Standards of Official Conduct at the time of appointment, and my response, are enclosed.

In the course of our investigation, we have reviewed an article you wrote, entitled, "Say Dem & Page Went On Gay Tour," which was published by the New York Daily News on July 8, 1982. That article indicates that you have knowledge of improper or illegal conduct by Members, officers or employees of the House of Representatives, within the scope of House Resolutions 518 and 12. Since the Committee has charged me with the responsibility to conduct a thorough investigation, I am requesting that you provide us with any information that you have that would enable me to identify the Congressman and the page who are referred to, but not identified, in your article. I request that you meet to discuss these matters with Mr. Hamilton P. Fox III, Associate Special Counsel, at 2:00 P.M., Friday, March 4, 1983, in Room 507 of House Annex No. 2.

We are aware of the delicacy of the relationship between any government investigation and the press, but I believe it is important that we seek the cooperation of the press where a reporter indicates that he has knowledge of a Member of Congress who may have engaged in improper or illegal conduct. I believe that your affirmative response to this request will be consistent with your responsibilities as a member of the press.

Thank you for your assistance in this matter.

Sincerely,

Joseph A. Califano, Jr.,
Special Counsel.

Enclosures.

U.S. House of Representatives,
Committee on Standards of Official Conduct,
Washington, D.C., April 12, 1983.

Mr. James Wieghart,
Editor, The New York Daily News,
New York, N.Y.

Dear Mr. Wieghart: On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorized the Committee on Standards of Official Conduct to carry out an investigation of:

> (1) alleged improper or illegal sexual conduct by Members, officers, or employees of the House; . . .

This investigation was reauthorized in the 98th Congress by House Resolution 12. The Committee has appointed me as Special Counsel to conduct this investigation.

On July 8, 1982 the New York Daily News published an article written by Joseph Volz, entitled, "Say Dem & Page Went on Gay Tour." The article stated that "A Democratic congressman took a Capitol Hill page on a tour of gay bars in Key West, Florida, during a Christmas vacation" in December, 1979. The article cited the source of this story as "a Washington resident" who said he saw the page and the congressman in a Key West bar in December, 1979. The article did not name the congressman or the page.

Since the Committee has charged me with the responsibility to conduct a thorough investigation, investigators and attorneys on my staff contacted the reporters who worked on this story, Joseph Volz and Robert Garrity of the Daily News' Washington Bureau. These reporters talked briefly with my staff, then referred all inquiries to Lars Nelson, your Washington Bureau Chief. Mr. Nelson refused to comment on the story.

While I am aware of the delicacy of the relationship between any government investigation and the press, I believe it is important that we seek the cooperation of your newspaper concerning matters you have reported which, if proven, appear to fall squarely within the scope of the investigation. In this context, it is worth noting that the Daily News and its reporter, Ken Auletta, recently cooperated extensively with the Senate Foreign Relations Committee during its hearings on the nomination of Kenneth Adelman to head the Arms Control and Disarmament Agency. Mr. Auletta testified before the Committee in open session, and his handwritten notes of his interview with Mr. Adelman were made available to the Committee.

Here we do not even seek either the testimony or interview notes of Messrs. Volz and Garrity. Rather we seek only whatever guidance they can give us as to the identity of the Congressman and the identity of the page. This guidance can remain strictly confidential. If the source of this story is willing to speak with my staff, we would also like to know his name.

Since the Daily News, through one of its reporters, has recently been willing not only to testify publicly but also to furnish his interview notes, I cannot understand how my request would be unduly burdensome. Certainly my request seeks far less than the News enthusiastically provided to the Senate Foreign Relations Committee, so there can be no First Amendment issue here.

I am therefore requesting that Messrs. Volz and Garrity meet with Hamilton P. Fox III, Associate Special Counsel, and Myles V. Lynk of the Special Counsel's Office in our offices at Room 509 of House Annex 2, at Third and D Street, S.W., in Washington, D.C., by April 22. Mr. Fox will contact you (or your attorneys if you designate them) to set the exact date.

Thank you for your assistance in this matter.

Sincerely,

JOSEPH A. CALIFANO, Jr.,
Special Counsel.

THE DAILY NEWS,
New York, N.Y., April 18, 1983.

Mr. JOSEPH A. CALIFANO, Jr.,
Special Counsel, House Ethics Committee,
Washington, D.C.

DEAR MR. CALIFANO: This is in response to your letter of April 12 regarding the investigation of the House Committee on Standards of Official Conduct in the alleged improper activity by members, officers or employes of the House of Representatives. In that letter, you expressed an interest in having members of your investigative staff interview two members of the Daily News Washington Bureau—Joseph Volz and Robert Gearty—regarding a story they wrote on July 8, 1982. That story alleged that "a Democratic congressman took a Capitol Hill page on a tour of gay bars in Key West, Florida," in December 1979. You said that a member of your investigative staff talked briefly to Volz and Gearty regarding this story. But you went on to say that you are requesting Volz and Gearty meet with Hamilton P. Fox III and another member of your staff at your staff offices in Washington, D.C. by April 22 to discuss the matter further.

I have talked to Lars-Erik Nelson, our Washington Bureau chief, and to Joe Volz regarding this request and I have ascertained that Volz is unable to contribute anything beyond what appeared in his article, because of a confidentiality commitment he had given to a source. I am therefore, advising Voltz and Gearty not to discuss the matter further with members of your investigative staff.

In your letter you refer to a recent congressional inquiry in which a Daily News columnist—Ken Auletta—cooperated extensively with the Senate Foreign Relations Committee. I am aware of that cooperation and was a party to it. But I must say the situations are not analogous. Auletta testified under subpoena before the Senate Foreign Relations Committee on an interview he held with Kenneth Adelman and on which he had written a column. In addition to his testimony, Auletta provided the committee with some notes he had taken. The notes also were reported in Auletta's original column. There was no issue of a confidential source involved in the Auletta matter. It was simply a situation in which Auletta testified under subpoena as to what he had written regarding the issue at hand. His notes and a copy of his telephone bill for that period were submitted as further evidence that the conversation which he wrote about actually did occur.

In the situation at hand involving Volz and Gearty, there is a confidential-source relationship.

Needless to say, I regret that the Daily News is unable to be of further assistance to your investigative staff on this matter.

Sincerely,

James G. Wieghart.

APPENDIX "D"

House Calendar No. 67

98th Congress
1st Session } HOUSE OF REPRESENTATIVES { Report
No. 98–295

IN THE MATTER OF REPRESENTATIVE GERRY E. STUDDS

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT HOUSE OF REPRESENTATIVES

July 14, 1983.—Referred to the House Calendar and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
11-008 O WASHINGTON : 1983

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

LOUIS STOKES, Ohio, *Chairman*

NICK JOE RAHALL II, West Virginia
ED JENKINS, Georgia
JULIAN C. DIXON, California
VIC FAZIO, California
WILLIAM J. COYNE, Pennsylvania

FLOYD D. SPENCE, South Carolina
BARBER B. CONABLE, Jr., New York
JOHN T. MYERS, Indiana
EDWIN B. FORSYTHE, New Jersey
HANK BROWN, Colorado
JAMES V. HANSEN, Utah

JOHN M. SWANNER, *Staff Director*
JOSEPH A. CALIFANO, Jr., *Special Counsel*
RICHARD COTTON, *Deputy Special Counsel*

98th Congress } HOUSE OF REPRESENTATIVES { Report
1st Session } { No. 98-295

IN THE MATTER OF REPRESENTATIVE GERRY E. STUDDS

July 14, 1983.—Referred to the House Calendar and order to be printed

Mr. Stokes, from the Committee on Standards of Official Conduct, submitted the following

REPORT

The Committee on Standards of Official Conduct, acting pursuant to the House Resolution 518, 97th Congress, 2d session, and House Resolution 12, 98th Congress, 1st session, has conducted an investigation of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. In the course of this investigation, the committee received evidence that in 1973 Representative Gerry E. Studds engaged in a sexual relationship with a 17-year-old male page employed by the House of Representatives (who may have been 16 years old when the relationship began); and made sexual advances to two other male pages.

Representative Studds appeared before the committee and admitted the "uncontested facts" that he had a sexual relationship with a male page in 1973. Both Representative Studds and the page have testified that the relationship was consensual and that no preferential treatment of any kind was offered or given to the page. In addition, Representative Studds acknowledged in writing that he made sexual advances to two other male pages in 1973.

The committee finds that any sexual relationship between a Member of the House of Representatives and a congressional page, or any sexual advance by a Member to a page, represents a serious breach of the duty owed by the House and its individual Members to the young people who serve the House as pages. Such conduct brings discredit upon the House of Representatives, in violation of clause 1 of the Code of Official Conduct of the House.

The committee has therefore voted, 11 to 1, to recommend to the House that Representative Studds be reprimanded. The adoption of this report shall constitute such a reprimand.

Accordingly, the committee recommends that the House adopt a resolution in the following form.

HOUSE RESOLUTION

Resolved, That the House of Representatives adopt the Report of the Committee on Standards of Official Conduct dated July 14, 1983, In the Matter of Representative Gerry E. Studds.

APPENDIX "E"

House Calendar No. 68

98th Congress *1st Session*	HOUSE OF REPRESENTATIVES	Report No. 98-296

IN THE MATTER OF REPRESENTATIVE DANIEL B. CRANE

REPORT

OF THE

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT HOUSE OF REPRESENTATIVES

July 14, 1983.—Referred to the House Calendar and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
11-008 O WASHINGTON : 1983

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

LOUIS STOKES, Ohio, *Chairman*

NICK JOE RAHALL II, West Virginia
ED JENKINS, Georgia
JULIAN C. DIXON, California
VIC FAZIO, California
WILLIAM J. COYNE, Pennsylvania

FLOYD D. SPENCE, South Carolina
BARBER B. CONABLE, Jr., New York
JOHN T. MYERS, Indiana
EDWIN B. FORSYTHE, New Jersey
HANK BROWN, Colorado
JAMES V. HANSEN, Utah

JOHN M. SWANNER, *Staff Director*
JOSEPH A. CALIFANO, Jr., *Special Counsel*
RICHARD COTTON, *Deputy Special Counsel*

98TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 98-296

IN THE MATTER OF REPRESENTATIVE DANIEL B. CRANE

JULY 14, 1983.—Referred to the House Calendar and ordered to be printed

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Mr. STOKES, from the Committee on Standards of Official Conduct, submitted the following

REPORT

The Committee on Standards of Official Conduct, acting pursuant to House Resolution 518, 97 Congress, 2d session, and House Resolution 12, 98th Congress, 1st session, has conducted an investigation of allegations of improper or illegal sexual conduct by Members, officers, or employees of the House of Representatives. In the course of this investigation, the committee received evidence that in the spring of 1980 Representative Daniel B. Crane engaged in a sexual relationship with a 17-year-old female page employed by the House of Representatives.

Representative Crane has acknowledged under oath that he had sexual relations with the page. Both Representative Crane and the page have testified that the relationship was consensual and that no preferential treatment of any kind was offered or given to the page.

The committee finds that any sexual relationship between a Member of the House of Representatives and a congressional page represents a serious breach of the duty owed by the House and its individual Members to the young people who serve the House as pages. Such conduct brings discredit upon the House of Representatives, in violation of clause 1 of the Code of Official Conduct of the House.

The committee has therefore voted, 11 to 1, to recommend to the House that Representative Crane be reprimanded. The adoption of this report shall constitute such a reprimand.

Accordingly, the committee recommends that the House adopt a resolution in the following form.

HOUSE RESOLUTION

Resolved, That the House of Representatives adopt the Report of the Committee on Standards of Official Conduct dated July 14, 1983, In the Matter of Representative Daniel B. Crane.

II H743-6

98th Congress) HOUSE OF REPRESENTATIVES (REPORT
1st Session) (No. 98-

APPENDIX "F"

7

IN THE MATTER OF

JAMES C. HOWARTH

November 15, 1983 -- Referred to the House Calendar and ordered to be printed

Mr. Stokes, from the Committee on Standards of Official Conduct, submitted the following

REPORT

I. Introduction

Following an inquiry conducted pursuant to H. Res. 518, 97th Cong., 2nd Sess., and H. Res. 12, 98th Cong., 1st Sess., the Committee on Standards of Official Conduct ("Committee") voted on July 14, 1983 a four-count Statement of Alleged Violation against the Majority Chief Page of the House, James C. Howarth ("Howarth"). The Statement of Alleged Violation is attached as Appendix A to this Report. Count One charged that Howarth had supervisory responsibilities over pages in 1980 and that he engaged in 1980 in a sexual relationship with a 17-year-old female page who was at the time under his direct supervision (in violation of Clause 1 of the House Code of Official Conduct). Count Two charged Howarth with giving preferential treatment to this page (in violation of Clause 1 of the Code of Official Conduct and Clauses 3 and 5 of the Code of Ethics for Government Service).

In Counts Three and Four, Howarth was charged with possessing cocaine in the House Democratic Cloakroom (in violation of 21 U.S.C. § 844(a), Clause 1 of the Code of Official Conduct and Clause 2 of the Code of Ethics for Government Service).

On October 31, 1983, the Committee held a hearing with respect to the Statement of Alleged Violation. Howarth appeared at the hearing and was represented by counsel. Counsel to the Committee presented seven witnesses and submitted 16 evidentiary exhibits. Counsel for Howarth presented eight witnesses and submitted six evidentiary exhibits. The Committee on November 8, 1983, by a vote of 11-0, found that Count One had been proved. It voted, 0-11, against motions that Counts Two, Three and Four had been proved.

Based on the violations set out in Count One, on November 15, 1983, the Committee voted to recommend to the House that Howarth be dismissed from his employment with the House of Representatives.

Pursuant to Rule 17(d) of the Committee's Rules of Procedure, this report summarizes the evidence which supports the findings of the Committee on Count One and sets out the reasons for recommending that Howarth be dismissed from his job. The record of the hearing with respect to the Statement of Alleged Violation is under seal to protect the identity of the page involved, and therefore is not attached hereto as an appendix. The record of the hearing is available for review by Members of the House at the Committee's office.

II. Findings

The Committee found that Howarth, who was 27 years old in 1980 and occupied the position of Majority Chief Page, engaged in sexual relations on a regular basis in the Spring of 1980 with a 17-year-old female while she was a House page under his supervision.

The page testified that during April and May 1980, she began spending nights at Howarth's apartment. She testified that they engaged in sexual relations on those occasions. On some of these occasions, he picked her up at her apartment in the early evening; on other occasions, when he finished working his second job at a Georgetown bar, he would pick her up outside her apartment at 2-3 a.m. in the morning. On the occasions when she spent the night at his apartment, the page testified that she generally did not attend the page school, and would drive to work with Howarth.

Howarth admitted that he had a sexual relationship with the page but claimed that the sexual relationship only began after the page returned from summer vacation following her graduation from Page School. As part of the argument to support his claim that his sexual relationship with the page in question did not begin until the Fall of 1980, Howarth claimed that he was engaged in a sexual relationship during the Spring of 1980 with a former page who had graduated from the Page School the year before (June 1979).

Howarth did admit, however, that he saw the page outside of work in the Spring of 1980 on more than a half-dozen occasions. As a result, the issue which the Committee faced was not whether a sexual relationship occurred between Howarth and the page, but when that sexual relationship began: whether it began in the Spring of 1980 while the teenager was still a page, or whether it began in the Fall of 1980 when she returned to Washington, D.C. from her summer vacation following her graduation from Page School.

The Committee determined that the evidence clearly and convincingly proved that the sexual relationship began in the Spring of 1980.

III. Evidence in Support of Violation

Howarth testified that he saw the page outside of work in the Spring of 1980 on at least the following occasions:

1) Howarth admitted that on one occasion they jogged together;
2) Howarth admitted that, on another occasion, they swam together with two other pages;
3) Howarth admitted that he picked up the page at her apartment approximately a half-dozen times at 7-8 p.m. in the evening allegedly to give her a ride to Georgetown;
4) Howarth admitted that he went on an overnight camping trip to Pennsylvania with the page in the company of her parents during the Memorial Day weekend in 1980.

Howarth's admissions concerning the extent of his contact with the page in the Spring of 1980 are themselves significant. A close friend and former roommate of Howarth's testified that Howarth did not socialize with pages outside of work:

> "I was with him often enough to know that he didn't do it." (R. 406.)

Thus, based solely on Howarth's own testimony, the extent of Howarth's admitted contact with the page in the Spring of 1980 marks their relationship as unusual.

The page's roommates corroborated many of the details of the page's testimony that the sexual relationship began in the Spring of 1980. The 17-year-old page involved lived in an apartment in the Capitol Hill section of Washington, D.C. in the Spring of 1980 with four roommates -- three of whom worked in the House as pages; the fourth worked as a Senate page. The Committee received sworn statements from every one of the four -- three testified personally at the hearing; one submitted an affidavit. (None of the roommates who testified considered themselves friends of the page.)

Each one of the roommates had her own separate incident(s) to recount with respect to seeing their roommate and Howarth together.

In sum, the roommates testified to the following 12 incidents which one or more of them personnally witnessed in April or May 1980 involving Howarth and the page:

1) Three instances where Howarth picked her up at their apartment at 7-8 p.m.;

2) One instance where he picked her up at 11 p.m.;

3) Four instances where he picked her up at 2-3 a.m.;

4) Two instances where he arrived at the Capitol with her in the morning;

5) Two instances where he had dinner at their apartment and where on at least one of these instances he and the page went off together.

In most of these 12 instances, the roommates testified that the page stayed out all night after she had been picked up by Howarth, or had been out all night when Howarth was seen driving her to work.

The roommates' testimony was uncontradicted, internally consistent among the roommates, and wholly unshaken on cross-examination.

In addition to the testimony of the page's four roommates, two members of her family, as well as two other individuals -- a former boyfriend and a former Senate page -- offered evidence under oath corroborating the page's testimony that the relationship between the page and Howarth had become a romantic one during her page tenure.

IV. Recommendation

After reviewing written submissions by counsel for Howarth and by the Committee's Special Counsel, the Committee met on November 15, 1983 pursuant to Rule 17 of the Committee's Rules of Procedure to determine what sanction, if any, to recommend to the House.

The Commitee's Rules authorize it to consider, in the case of an employee:

(A) Dismissal from employment.
(B) Fine.
(C) Any other sanction determined by the Committee to be appropriate.

Rule 17(b)(2).

The Committee Rules further provide that, as a general rule, "dismissal of an . . . employee is appropriate for the most serious violations." Rule 17(c)(1)(3).

The Committee finds that Howarth's violation constitutes a "most serious" one. The House has a special responsibility to the teenage pages it employs. See Final Report of Special Counsel, H. Rpt. No. 98-297, July 14, 1983. This responsibility is discharged through the individuals who supervise the pages. Howarth occupied a central position in the hierarchy of the Doorkeeper's office responsible for supervising pages. His title made that fact clear: Majority Chief Page. It was Howarth, acting in the name of the U.S. House of Representatives, who was responsible to work to protect the well-being of the pages. Instead, he did the opposite.

In this context, Howarth's misconduct as a page supervisor -- engaging repeatedly in sexual relations with a 17-year old page under his supervision -- constitutes egregious and reprehensible conduct.

- Howarth's actions violated the responsibilities the House owes to every teenage page it employs.

- Howarth violated his own immediate job responsibilities as a page supervisor. It was his job to supervise, counsel and protect pages.
- Howarth's misconduct was not an isolated instance but involved repeated overnight stays by the page at his apartment.
- Howarth's misconduct contributed to the page's unexcused absences from the page school and from her work in April and May 1980.

Under these circumstances, the Committee determined that the appropriate sanction is dismissal from employment in the House of Representatives.

Therefore, by a vote of 11-0, the Committee voted in favor of a motion to recommend to the House that the House of Representatives direct the Doorkeeper of the House to dismiss James C. Howarth.

Accordingly, the Committee recommends that the House adopt a Resolution in the following form:

HOUSE RESOLUTION

> Resolved, that the House of Representatives hereby directs the Doorkeeper of the House to dismiss James C. Howarth from employment effective on the date the House agrees to this Resolution.

STATEMENT PURSUANT TO RULE XI, CLAUSE 2(1)(3)(A)

The Committee made no special oversight findings on this Resolution.

This Report was approved by the Committee on Standards of Official Conduct on November 15, 1983 by a vote of 11-0.

APPENDIX A

STATEMENT OF ALLEGED VIOLATION

In the matter of:

JAMES C. HOWARTH

Count One

During the period from approximately April, 1980, through mid-June, 1980, the respondent, James C. Howarth ("Howarth"), who at all times relevant to this Statement of Alleged Violation was Majority Chief Page and an employee of the House of Representatives, violated clause 1 of the Code of Official Conduct of the House of Representatives by engaging in a sexual relationship on a regular basis with a 17-year-old female page who was at the time employed as a congressional page by the House of Representatives and was under his direct supervision. Specifically, during this period Howarth and the page spent many nights at Howarth's apartment and engaged frequently in sexual relations.

The House of Representatives has special responsibility for the teenage pages it employs. Those employees of the House who supervise pages have a derivative obligation amounting to a fiduciary duty to act with propriety toward their teenage charges.

By engaging in a sexual relationship with a female page under his supervision, Howarth breached his fiduciary duties to pages, abused the trust given him as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

Count Two

During the period from approximately April, 1980, though mid-June, 1980, Howarth failed to execute his duties as Majority Chief Page and dispensed special favors and privileges in violation of clause 3 and clause 5 of the Code of Ethics for Government Service and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, during this period Howarth allowed the female page referred to in Count One with whom he was having sexual relations and who was under his supervision, to absent herself from her page duties whenever she chose. These special favors and privileges constituted preferential treatment of a page as a consequence of a sexual relationship.

By violating the Code of Official Conduct and the Code of Ethics for Government Service, Howarth breached his fiduciary duties to pages, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

Count Three

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, § 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period Howarth purchased one gram of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

Count Four

During the period January, 1979, through December, 1980, Howarth knowingly possessed a controlled substance, to wit, cocaine, in the Democratic Cloakroom of the House of Representatives in violation of Title 21, United States Code, § 844(a), clause 2 of the Code of Ethics for Government Service, and clause 1 of the Code of Official Conduct of the House of Representatives. Specifically, on one occasion during this period, Howarth purchased one-eighth of an ounce of cocaine from Robert T. Yesh, at the time an employee of the House of Representatives, in the House Democratic Cloakroom.

By violating a criminal statute, the Code of Official Conduct, and the Code of Ethics for Government Service, Howarth abused the trust given to him as an employee of the House of Representatives, breached his obligations as an employee of the House of Representatives, and conducted himself in a manner which does not reflect creditably on the House of Representatives.

APPENDIX "G"

U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

October 15, 1982

Mr. Joseph A. Califano
Special Counsel
Committee on Standards of
Official Conduct
House of Representatives
Washington, D.C. 20515

Dear Mr. Califano:

This letter is in further response to your request for access to certain Department of Justice materials in connection with the investigation by the House Committee on Standards of Official Conduct pursuant to House Resolution 518 of alleged improper or illegal sexual conduct by Members, officers, or employees of the U. S. House of Representatives and of alleged illicit use or distribution of drugs by Members, officers, or employees of the House.

As noted in your letter of September 7, 1982, the Department has conducted an investigation concerning allegations of illegal sexual conduct involving pages and your investigative staff has been allowed to review materials from this file relative to Leroy Williams. Further, pursuant to your request, we have provided your Committee with copies of written materials relative to this investigation, which has been closed because of insufficient evidence to prosecute.

Pursuant to your further request for access to Department materials relative to the investigation of alleged illicit use or distribution of drugs by Members, officers, or employees of the House, we agree to provide you with access to all such materials under the following conditions and with the following exceptions:

(a) The Department may, in the first instance, deny access to specific materials when, in the opinion of the Department, such access would compromise an ongoing investigation or reveal sensitive sources or techniques; but, if access is so denied in the first instance, the Department will provide a general description of the material thus withheld, state the basis for the denial of access, and give you an opportunity to discuss further conditions under which access to the material or to a portion or portions thereof might be provided.

(b) We will not provide you with copies of any prosecution memoranda in any case, but will provide you with any basic factual information that appears in those memoranda.

(c) Material that cannot properly be provided to you without a court order will not be provided unless the necessary order is first obtained; the burden is upon you to take any steps needed to obtain such order that may be required and the Department will consider, on a case by case basis, whether to join in any request you may make for any court order.

(d) The non-public material disclosed to you will be maintained under a pledge of confidentiality on your part, as follows:

(i) the documents that are provided to you will be kept in a secure room, with access to those documents limited to the Chairman and Ranking Minority Member of the Commmittee, and the following counsel to the Committee: the Special Counsel, Deputy Special Counsel and Associate Special Counsel and the Chief Investigator of the Committee.

(ii) the persons described in subparagraph (i) above will not disclose any nonpublic materials or the source thereof without the permission of the Department subject, however, to the provisions of subparagraph (g) below.

(e) All requests for information shall be conveyed to the Department of Justice only through the Office of Legislative Affairs and such Office shall be responsible for dealing with the Committee. Absent extraordinary circumstances, appointments with Department of Justice employees and former emloyees will be arranged through said Office.

(f) All Committee staff with access to any material covered by the terms of this letter must obtain a limited suitability clearance prior to such access.

(g) The Committee reserves all of its legal rights concerning the production of information. This agreement is without prejudice to the position of the Committee and of the House of Representatives that the House and its committees have the legal right to require the production of information in the possession of the Executive Branch and to make such use, including public disclosure, of information produced under legal compulsion as they may deem is appropriate in accordance with the Rules of the House.

We remain open to further discussion regarding the production of additional materials of the type referred to above or any other materials. We have fashioned our response to your request in order to provide a basis in which to afford you immediate access to the materials that we believe will be most useful in your inquiry, without creating unnecessary ambiguity as to the scope of the undertaking and without prejudicing our concerns for protecting those materials that we regard as uniquely privileged or sensitive.

If these terms are acceptable to you, we are prepared to begin providing you with access to these materials immediately.

Sincerely,

Rudolph W. Giuliani
Associate Attorney General

Agreed to: ____________ Date: October 18, 1982

U.S. Department of Justice
Office of Legislative Affairs

APPENDIX "H"

Office of the Assistant Attorney General
Washington, D.C. 20530

July 27, 1983

Joseph A. Califano, Jr., Esquire
Special Counsel
Committee on Standards of
  Official Conduct
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Califano:

As you are aware, the Department of Justice has conducted an investigation concerning alleged use or distribution of controlled substances by Members, officers, or employees of the United States House of Representatives and Senate. In the course of that investigation, the Department of Justice received allegations that Representative Charles Wilson of Texas on a number of occasions at various locations used illegal drugs. After conducting a complete investigation of these allegations, we have determined that, in addition to jurisdictional problems with respect to some of these allegations, there is insufficient admissible, credible evidence to support criminal charges against Representative Wilson.

Although we have decided not to file criminal charges in this matter, we believe that information developed during the course of this investigation would be relevant to the House Committee on Standards of Official Conduct in its investigation of alleged illicit use or distribution of drugs by Members, officers, or employees of the House. Accordingly, pursuant to the Department's agreement with the House Committee on Standards of Official Conduct, we will make available to the Committee all nonprivileged materials developed in our investigation of Representative Wilson.

We are prepared to furnish to you these materials immediately. We can do so either directly upon request or at a mutually convenient meeting. Please do not hesitate to contact us if you feel we may be of further assistance.

Sincerely,

Robert A. McConnell

Robert A. McConnell
Assistant Attorney General

APPENDIX "I"

U. S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 27, 1983

Joseph A. Califano, Jr., Esquire
Special Counsel
Committee on Standards of
Official Conduct
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Califano:

As you are aware, the Department of Justice has conducted an investigation concerning alleged use or distribution of controlled substances by Members, officers, or employees of the United States House of Representatives and Senate. In the course of that investigation, the Department of Justice received allegations that Representative Ronald V. Dellums of California on a number of occasions used illegal drugs. After conducting a complete investigation of these allegations, we have determined that there is insufficient admissible, credible evidence to support criminal charges against Representative Dellums.

Although we have decided not to file criminal charges in this matter, we believe that information developed during the course of this investigation would be relevant to the House Committee on Standards of Official Conduct in its investigation of alleged illicit use or distribution of drugs by Members, officers, or employees of the House. Accordingly, pursuant to the Department's agreement with the House Committee on Standards of Official Conduct, we will make available to the Committee all nonprivileged materials developed in our investigation of Representative Dellums.

We are prepared to furnish to you these materials immediately. We can do so either directly upon request or at a mutually convenient meeting. Please do not hesitate to contact us if you feel we may be of further assistance.

Sincerely,

Robert A. McConnell

Robert A. McConnell
Assistant Attorney General

U.S. Department of Justice
Office of Legislative Affairs

APPENDIX "J"

Office of the Assistant Attorney General

Washington, D.C. 20530

July 27, 1983

Joseph A. Califano, Jr., Esquire
Special Counsel
Committee on Standards of
Official Conduct
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Califano:

As you are aware, the Department of Justice has conducted an investigation concerning alleged use or distribution of controlled substances by Members, officers, or employees of the United States House of Representatives and Senate. In the course of that investigation, the Department of Justice received allegations that then Representative Barry M. Goldwater, Jr. of California on a number of occasions at various locations used illegal drugs. After conducting a complete investigation of these allegations, we have determined that there is insufficient admissible, credible evidence to support criminal charges against former Representative Goldwater.

Since former Representative Goldwater no longer is a member of the House of Representatives, we defer to your judgment whether this is a matter which your Committee wishes to pursue further. Although we have decided not to file criminal charges in this matter, we believe that information developed during the course of this investigation would be relevant to the House Committee on Standards of Official Conduct in its investigation of alleged illicit use or distribution of drugs by Members, officers, or employees of the House. If the Committee wants to review this matter, pursuant to the Department's agreement with the House Committee on Standards of Official Conduct, we will make available to the Committee all nonprivileged materials developed in our investigation of former Representative Goldwater.

Please advise us how you wish to proceed. We are prepared to furnish to you these materials immediately if you request them. We can do so either directly upon request or at a mutually convenient meeting. Please do not hesitate to contact us if you feel we may be of further assistance.

Sincerely,

Robert A. McConnell

Robert A. McConnell
Assistant Attorney General

APPENDIX "K"

NINETY-EIGHTH CONGRESS

LOUIS STOKES, OHIO, CHAIRMAN
NICK JOE RAHALL II, W. VA.
ED JENKINS, GA.
JULIAN C. DIXON, CALIF.
VIC FAZIO, CALIF.
WILLIAM J. COYNE, PA.

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

JAMES V. HANSEN, UTAH

JOHN M. SWANNER, STAFF DIRECTOR
JOSEPH A. CALIFANO, JR.,
SPECIAL COUNSEL

July 28, 1983

PRIVILEGED AND CONFIDENTIAL

Mr. Robert A. McConnell
Assistant Attorney General
Office of Legislative Affairs
United States Department of Justice
Washington, D.C. 20530

Dear Mr. McConnell:

Thank you for your letters of July 27, 1983 offering to make available to the Committee materials developed in the Justice Department's investigations of Representatives Ronald V. Dellums and Charles Wilson and former Representative Barry Goldwater, Jr.

I have asked Hamilton P. Fox, III, Associate Special Counsel, to contact you to make arrangements for transmitting these materials to the Committee. Mr. Fox will be in touch with you shortly.

Sincerely,

Louis Stokes
Chairman

APPENDIX "L"

NINETY-EIGHTH CONGRESS

LOUIS STOKES, OHIO, CHAIRMAN
NICK JOE RAHALL II, W. VA.
ED JENKINS, GA.
JULIAN C. DIXON, CALIF.
VIC FAZIO, CALIF.
WILLIAM J. COYNE, PA.

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

HANK BROWN, COLO.
JAMES V. HANSEN, UTAH

JOHN M. SWANNER, STAFF DIRECTOR
JOSEPH A. CALIFANO, JR.,
SPECIAL COUNSEL

September 14, 1983

The Honorable William French Smith
Attorney General of the United States
Main Justice Building
10th and Constitution Avenue, N.W.
Washington, D. C. 20530

Dear Mr. Attorney General:

On July 27, 1983 Robert A. McConnell, Assistant Attorney General for the Office of Legislative Affairs, sent me three letters in which he offered to furnish "immediately" to the Committee on Standards of Official Conduct "all nonprivileged materials developed in the Justice Department investigation" of Representative Ronald V. Dellums, Representative Charles Wilson, and former Representative Barry M. Goldwater, Jr. The next day, in his letter of July 28, Chairman Louis Stokes requested these materials in accordance with the agreement between the Committee and the Department.

After repeated contacts with the Justice Department, on August 23, 1983 we received a memorandum signed by John J. Coleman, Chief Investigator, enclosing materials listed in his covering memorandum concerning Representative Dellums. Despite repeated inquiries, we have not received any materials concerning Representative Wilson or former Representative Goldwater.

On behalf of the Committee, I am requesting that you transmit the materials concerning Representative Charles Wilson and former Representative Goldwater as soon as possible. In transmitting those materials, please indicate whether they are all the materials concerning Messrs. Wilson and Goldwater or whether the Department is withholding any materials to protect innocent third parties, because it considers certain materials privileged, or for some other reason. Similarly, we would appreciate written indication whether the materials concerning Representative Dellums which Mr. Coleman transmitted on August 23 were all the materials the Department has or whether any materials were withheld, and if so, the reasons why the materials were withheld.

In fairness to the parties, it is imperative that we receive these materials as rapidly as possible. We are trying to complete the Committee investigation and we cannot do so without reviewing this material. Mr. Hamilton P. Fox, III, Associate Special Counsel to the Committee, is prepared to meet with whomever you designate to arrange immediate transfer of the materials.

Sincerely,

Joseph A. Califano, Jr.
Special Counsel

APPENDIX "M"

I[illegible]RY AND INVESTIGATION PURSUANT TO H. [illegible] 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

November 10, 1983

HAND DELIVERED

The Honorable William French Smith
Attorney General of the United States
Department of Justice
10th and Constitution Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

In three letters dated July 27, 1983, from Robert A. McConnell to me, you offered to make available to the House Committee on Standards of Official Conduct all nonprivileged materials developed in the Justice Department's investigation of Representative Charles Wilson of Texas, Representative Ronald V. Dellums of California, and former Representative Barry M. Goldwater, Jr. of California. In a separate letter, dated July 7, 1983, C. Marshall Cain, Acting Assistant Attorney General, stated that the Justice Department would furnish the Special Counsel's staff with investigative material regarding Representative Parren J. Mitchell of Maryland.

Since then, we have received materials relating to Representative Dellums on August 23, 1983 and on October 27, 1983; materials relating to Representative Mitchell on October 20, 1983; materials relating to Representative Wilson on October 20, 1983; and materials relating to former Representative Goldwater on August 1, 1983 and October 27, 1983. In addition, on October 27, 1983 we received materials relating to Steve Cohen which also contain information regarding former Representative Goldwater. Copies of receipts for these materials are enclosed.

It is our understanding that we have now received all nonprivileged materials developed in the course of the Justice Department's investigation of Representatives Wilson, Dellums and Mitchell and former Representative Goldwater.

Page Two
Attorney General William French Smith
November 10, 1983

We also assume that the names transmitted in Robert McConnell's April 28, 1983 letter constitute DEA's complete list of current and former House employees "whose activities as determined by DEA's investigators, might warrant examination by [this] Committee."

Since our investigation is ending, I am requesting your written assurance for the Committee record that we now have received all the materials referred to in the three letters dated July 27, 1983, and all the materials referred to in the July 7, 1983 letter regarding Representative Mitchell.

In addition, I am requesting your written assurance for the Committee record that the names transmitted in April, 1983 constitute DEA's complete list of current and former House employees whose activities, as determined by DEA's investigators, might warrant examination by this Committee.

Sincerely,

Joseph A Califano Jr

Joseph A. Califano, Jr.
Special Counsel

Enclosures

cc: Robert A. McConnell

SHARON SELTZER

TO: JACK MITCHELL

RE: HILL DRUG RING

APPENDIX "N"

Sharon
387
5420

Larry Kovach

Hubbard

THE main dealer to Hill staff is reputed to be Doug Marshall, an American University Law Student. He can be reached at his parents' home (966-7069). He makes drug runs of Members' offices; some names mentioned were , and . Staff aides buy the cocaine and marijuana for their bosses + themselves. Besides selling to offices, Marshall operates a ring involving tour guides and doorkeepers within the Capitol.

Some of the members of the ring are:

(work-224- , home-927-).

has been a tourguide at the Hill since 1976. She deals marijuana and cocaine and used to live with Marshall. is reputedly the weak link in the chain and will "spill all" to the right people who pressure her, in order to keep her "soft" job.

(more)

A bigger dealer is , who lives in . (home, 928 , work 224-). For the last few years she was a tour guide, but two months ago she was promoted to a Senate doorkeeper slot. Her sponsor was a Maryland Democrat from the House. sold her first cocaine. also had a romantic interest in Marshall, but was rejected in favor of . This has caused animosity within the ring.

, is reputed to be another tour/guide/ dealer of cocaine and marijuana, but I have not yet confirmed this. She can be reached at 225- .

, from Silver Spring (home, 585- and work 225-) is another dealer on the Hill. Last October or November he delivered a pound of marijuana to (whom he used to live with). split the marijuana into quarter-pound portions which she dealt to other tour guides, who in turn sold smaller portions. came to the Hill under the patronage of Rep. of . was friends with the Congressman's youngest son). When was defeated last fall, kept his job of House doorkeeper, with a new sponsor, Rep. of .

The dealing between tour guides and door keepers has been going on since at least 1976, although my main source reports that the operations has gotten more blatant over the past year. The Hill jobs pay well and don't take up much time. The dealers are all in their mid-twenties and bored. It's said some Members encourage the goings-on by approaching female guides with invitations to parties where "there's some good coke." or could confirm which Members made the invitations.

can also confirm which offices Marshall makes his delivery runs to, since she has accompanied him on several runs. It's said that Marshall feels he is immune to prosecution because his father heads a prestigious law firm and was an ex-Ambassador to Mexico. Apparently, he also has a lot of political connections on the Hill, and like most of the door keepers and tour guides, + congressional aides is well-educated + comes from a wealthy family.

APPENDIX "O"

RADIO-TV MONITORING SERVICE, INC.
3408 WISCONSIN AVENUE, N.W. · WASHINGTON, D.C. 20016 244-1901

PROGRAM: JACK ANDERSON CONFIDENTIAL	DATE: SATURDAY, JAN. 15, 1983
STATION OR NETWORK: WJLA TELEVISION	TIME: 7:30 PM, EST

ANDERSON CHARGES JUSTICE DEPT. COVER-UP

JACK ANDERSON: This is an update on a two year old scandal. I learned two years ago that a drug ring was operating under the Capitol dome. I learned that Members of Congress were violating the drug laws that they helped to pass, so I arranged with California Congressman Robert Dornan to provide a cover for a narcotics agent. The agent, Detective Michael Hubbard, posed as a member of Dornan's staff. He made contact with the people I named, and infiltrated the drug ring. The investigation lasted several months. In the end, he arrested the ringleaders and siezed a quarter-million dollars worth of cocaine in their possession. Some of the ringleaders were congressional aides. They named their customers, including more than a dozen Members of Congress.

Now this should have been the end of the story, but it turned out to be merely the beginning. The Justice Department showed no interest in embarrassing powerful Members of Congress. Detective Michael Hubbard was pulled off the case, and threatened for daring to investigate Members of Congress.

Now I believe congressman should obey the laws they pass, so I named one of the alleged customers of the drug ring. I reported on this show that , then a congressman, was secretly taped by the Justice Department discussing narcotics. This still didn't get the drug investigation off dead center, so I advised the undercover agent, Detective Hubbard, to go public. He told his story to the press.

Now I want you to hear the latest development directly from him. My associate, Jack Mitchell, interviewed him.

MICHAEL HUBBARD (DETECTIVE): As we were developing information that specific Members of Congress may have been receiving and using narcotics, at that point I was told by the US Attorney handling the case that we would not look into any allegations of drug usage by Members of Congress or anyone else in this case.

JACK MITCHELL: Has your own career suffered because you did your job in this case and pursued these drug allegations?

HUBBARD: I think an instance like this has a tendency to send out a loud, clear message to any other investigator faced with a similar scenario of what course of action would be in his best career interests. That message, apparently, is: If an investigation is leading towards the Hill, it's time to stop.

ANDERSON: The outcome of the drug investigation is still in doubt. I've learned from Justice Department sources that Detective Hubbard has been secretly subpoened to appear before a federal Grand Jury. So the investigator has been subpoened, but the congressmen he investigated have not been subpoened.

I want to put the Justice Department on notice. My associates, Indy Badhwar and Jack Mitchell, have been working on this case with Detective Hubbard from the beginning two years ago. We know the names that have been covered up. If the Justice Department does not reveal them, I will.

APPENDIX "P"

RADIO-TV MONITORING SERVICE, INC.
3408 WISCONSIN AVENUE, N.W. · WASHINGTON, D.C. 20016 · 244-1901

PROGRAM: NBC NIGHTLY NEWS	DATE: THURSDAY, JULY 1, 1982
STATION OR NETWORK: NBC TELEVISION NETWORK	TIME: 7:00 PM, EDT

FBI AND THE HOUSE INVESTIGATE DRUG USE AND SEX ON CAPITOL HILL

ROGER MUDD: The FBI and the House Ethics Committee have launched inquiries into charges of illegal homosexuality and drug use on Capitol Hill. Senate Majority Leader Howard Baker said today, it's the last thing Congress needs, but the only thing we can do is pursue it. Lisa Meyers has more.

LISA MEYERS: Undercover narcotics agents have been posing as congressional aides for more than a year in an attempt to penetrate a suspected cocaine ring on Capitol Hill. A congressman who asked not to be identified told NBC News that he agreed to provide cover and credentials for the agents, to say they worked for him in this House office building.

A federal grand jury now is investigating allegations that congressional employees, including teenage pages, delivered high quality cocaine to Capitol Hill customers including members of Congress. Cocaine use by congressmen and pages was among the allegations made to the FBI last week by a 16-year-old former page to Colorado's Patricia Schroeder. The male page, who spent most of his time running errands around the House floor, also claimed to have been sexually propositioned by a congressman. Another former page says he committed a homosexual act with a congressman in the member's Watergate apartment.

The FBI has launched a separate investigation into whether certain congressmen traded official favors or drugs to pages in return for sex. The chairman of the House Ethics Committee also announced an investigation.

REP. LOUIS STOKES (D-OHIO): These are serious charges, and the jurisdiction of this committee will be fully invoked to immediately and thoroughly investigate every aspect of these charges.

MEYERS: Attorney General William French Smith and FBI Director William Webster met with Sen. Baker this afternoon. Afterward Baker said, as far as I know there are no senators involved.

In fact, sources said that direct allegations of possible sexual misconduct are limited thus far to two or three congressmen, some of the same members whose names have arisen in the drug investigation. High law enforcement officials also say that there is no evidence of an organized sex ring. Lisa Meyers, NBC News, at the Capitol.

APPENDIX "Q"

RADIO-TV MONITORING SERVICE, INC.

3408 WISCONSIN AVENUE, N.W. • WASHINGTON, D.C. 20016 • 244-1901

PROGRAM: CBS EVENING NEWS	DATE: MONDAY, JULY 5, 1982
STATION OR NETWORK: CBS TELEVISION NETWORK	TIME: 7:00 PM, EDT

NARCOTICS AGENTS USED REP. DORNAN'S OFFICE

DAN RATHER: More new disclosures tonight about alleged cocaine trafficking among members of Congress and others in and around Capitol Hill. John Ferugia now has some names and new details connected with the widening investigation.

(FILM SHOWN)

JOHN FERUGIA: CBS News has learned that California Republican Robert Dornan allowed narcotics agents to use his office as a base for an undercover investigation of cocaine trafficking in the Capitol Hill area.

Dornan says District of Columbia police and investigators working for a newspaper columnist approached him in March of 1981 because they had evidence of cocaine trafficking in Capitol Hill circles. Sources say the intelligence information from the undercover operation led directly to the arrest at this house in April of former congressional page Douglas Marshall and two associates, Robert Finkel and Troy Todd.

Police say they were involved in selling cocaine on Capitol Hill and doing business through a series of runners, who delivered drugs to Capitol Hill offices, including those of congressmen.

At least five of the suspected runners have been subpoenaed. Sources say two have testified before the grand jury. Sources also say the runners have told investigators that they have personally delivered cocaine to the offices of about a dozen congressmen. There is also a direct allegation of delivery to at least one senator.

Dornan says he did not know who narcotics agents were targeting, but felt because of his committee assignment, he had to become involved.

REP. ROBERT DORNAN (R-CA): And since I was a member of the Narcotics Committee, I felt I would be a phony, that it would be the height of hypocrisy for me to be so outraged about narcotic use in this country and then to turn down a legitimate undercover operation that only wanted to credential themselves or headquarter out of my office. So I said yes.

FERUGIA: Investigators have talked to more than a dozen other suspected cocaine runners who work in the Capitol. More direct allegations involving deliveries to congressmen have been made, but no additional subpoenas have been issued.

Congressman Dornan says if some of his colleagues are users, they should be prosecuted.

DORNAN: When you are the passer of laws on other people's conduct, you must be held to a much, much higher standard -- and in this case, if there's any sweeping under the rug of users, it's a disgrace and it just simply must not happen.

FERUGIA: Sources close to the investigation say both local and federal investigators continue to interview Capitol Hill employees. And as one source put it, this investigation is getting hot, and it's also getting touchy. John Ferugia, CBS News, Capitol Hill.

APPENDIX "R"

TO: Honorable Robert K. Dornan M.C.
FROM: Detective Michael E. Hubbard
SUBJECT: Status of Possible Narcotics distribution and use by Congressional Members and employees,

July 3, 1982

In response to your request for information gathered subsequent to our meeting, APRIL 1981, the following information is being submitted in confidence.

At the time of our first meeting I had intelligence that DOUGLAS MARSHALL, former page and White House employee, had formed an organization that was supplying Cocaine to a large number of hill employees and members. Specific names at that time were and . In the intervening months utilizing the cover provided by you in your office as well as other investigative techniques, a series of arrests resulted in the arrest on

April 19, 1982 of Douglas Marshall, Troy Todd and Robert Finkel, and the seizure of a large quantity of high quality Cocaine. Although D.E.A. had no prior information on Marshall, it became instantly clear of the magnitude of this investigation and through a series of interviews the agent handling the case, Detective James Bradley, MPD/DEA Task Force, concurred that there was reason to believe that members and Hill employees were involved in the illegal distribution and use of narcotics.

Prosecutors from the Major Crimes Branch, U.S. District Court informed Bradley and myself that there would be no investigation of users regardless of who they were. Reason given was policy of the U.S. Attorneys office though this is not true. This department is actively involved in the sale of controlled substances on the streets of D.C. and these cases are prosecuted

③

by the U.S. Attorney's office.

Intelligence gathered during the period of time leading up to and subsequent to the three arrests continue indicate that more than one source has indicated the following Members of Congress may be using controlled substances purchased through Marshall distribution organization.

✓

✓

✓

FORMER MEMBER ✓

FORMER MEMBER

There are other members whose names have come through only one source as well as names that have come to the attention of the undersigned.

④

as being involved in homosexual relationships with juveniles. These names include:

This information could dovetail with investigative information developed by the U.S. Capitol Police which was subpoenaed last week but it has been indicated that these records are no longer complete and that the U.S. Attorney's office will withdraw the subpoena.

It is the conclusion of this writer that an aggressive, open minded investigation has yet to be initiated by federal authorities with respect to the information developed thus far and provided to D.E.A. and federal prosecutors

APPENDIX "S"

The Associated Press, July 6, 1982

July 6, 1982, Tuesday, AM cycle

SECTION: Domestic News

LENGTH: 730 words

BYLINE: By TIM BOVEE, Associated Press Writer

DATELINE: OKLAHOMA CITY

KEYWORD: Congress -Cocaine

BODY:

Rep. Robert D. Dornan, who says he is participating in a Capitol Hill cocaine investigation, said Tuesday that officials had found six or more of his colleagues were cocaine " user-consumers. "

The California Republican, who was accompanying Vice President George Bush on a fund-raising trip here, also said in an interview with The Associated Press that he knows who the House members are, but declined to identify them. He called those involved " user-consumers. "

"Some of the investigators have talked of as many as a half-dozen or more," Dornan said. "I was hoping as a member of Congress (that) there wouldn't be that many."

Earlier this year, Dornan, a member of the House Select Committee on Narcotics Abuse and Control, agreed to a request from a joint federal-District of Columbia task force that an undercover narcotics agent work in his office as a congressional aide.

Dornan said only he and two others in his office knew of the agent's presence.

On Tuesday, federal Drug Enforcement Administration spokesman Bob Feldkamp said, "The DEA did not have any undercover agent in Congressman Dornan's office." Syndicated columnist Jack Anderson has reported the agent was a D.C. police officer.

Dornan said he felt he became involved because of his committee assignment.

"Since I was a member of the narcotics committee it would be the height of hypocrisy for me to be so outraged about narcotics use in the country and then to turn down a legitimate undercover operation that only wanted to credential themselves or headquarter out of my office," he told CBS Monday night.

Last April, former congressional page Douglas Marshal and two others, Robert Finkel and Troy Todd, were arrested and charged with drug trafficking in connection with the investigation.

The original charges against the three of distributing cocaine were dropped since requirements of the Speedy Trial Act were not met, Connie Belifiore, a spokeswoman in the U.S. attorney's office in Washington, said Tuesday. She added that despite the charges being dropped, the cases were handed over to a grand jury.

"These three ... are the subject of a grand jury investigation," she added. "That's all that's being presented to the grand jury at this time."

Dornan said the investigation began in March 1981, and initially examined cocaine sales and use by congressional employees. Later, he added, the names of House members surfaced.

Dornan said information collected by investigators has been given to a grand jury in the District of Columbia.

The Associated Press, July 6, 1982

Last month, the AP reported that Finkel said he supplied cocaine to one assistant Capitol Hill doorkeeper, at least one Senate page and an employee in one congressional office. According to sources, Finkel was cooperating with the grand jury and had identified people he claims to have supplied with cocaine.

CBS reported that police said a series of runners had delivered drugs to Capitol Hill offices, including those of congressmen. At least five of the suspected runners have been subpoenaed, CBS said.

The network added that the runners told investigators they have delivered cocaine to offices of about a dozen congressmen. There is also an allegation of delivery to at least one senator, CBS said.

However, Senate Majority Leader Howard Baker of Tennessee told reporters Tuesday, "As of the moment, there are no allegations that I am aware of against any Senate page, any Senate member or Senate staffer. Right now, it's a House problem."

Dornan said Anderson recommended that investigators approach him for help.

The Associated Press, July 6, 1982

"Jack Anderson's office felt that I was trustworthy, and they also had endeavored to help this task force (of DEA agents and District of Columbia police officers)," Dornan said.

"You are the passer of laws," he said speaking of Congress members. "You must be held to a much, much higher standard. In this case if there is any sweeping under the rug of users it is a disgrace and simply must not happen."

Also Tuesday, Capitol Police Chief James Powell said a subpoena from the grand jury for his department's records concerning drug use on Capitol Hill had been withdrawn because he has agreed to supply the U.S. attorney's office with whatever information prosecutors want from his files.

"The U.S. attorney's office is welcome to any files we have. We would rather willingly cooperate," Powell said.

APPENDIX "T"

THE WALL STREET JOURNAL   JULY 7, 1982   FRONT PAGE

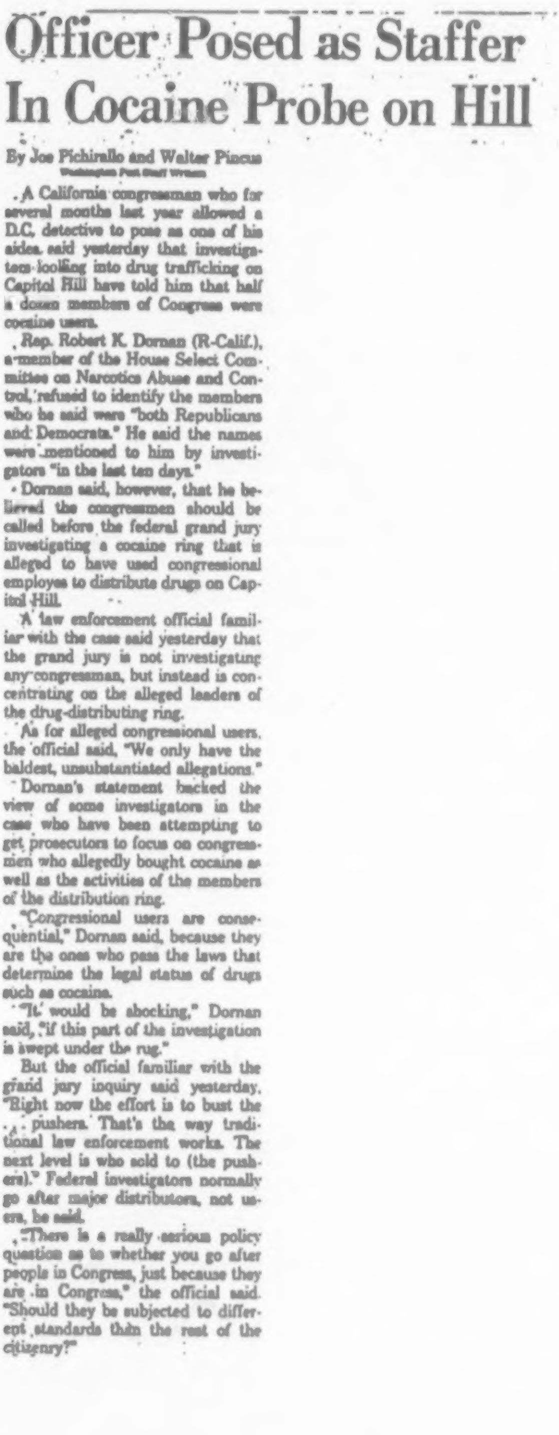
* * *

At least six congressmen have been uncovered by investigators as "user-consumers" of cocaine, according to Rep. Robert D. Dornan (R., Calif.), who declined to identify them. Dornan also confirmed that he allowed an undercover narcotics agent to use his office during the inquiry.

* * *

APPENDIX "U"

THE WASHINGTON POST Wednesday, July 7, 1982 (P.A-4)



Officer Posed as Staffer In Cocaine Probe on Hill

By Joe Pichirallo and Walter Pincus
Washington Post Staff Writers

A California congressman who for several months last year allowed a D.C. detective to pose as one of his aides said yesterday that investigators looking into drug trafficking on Capitol Hill have told him that half a dozen members of Congress were cocaine users.

Rep. Robert K. Dornan (R-Calif.), a member of the House Select Committee on Narcotics Abuse and Control, refused to identify the members who he said were "both Republicans and Democrats." He said the names were mentioned to him by investigators "in the last ten days."

Dornan said, however, that he believed the congressmen should be called before the federal grand jury investigating a cocaine ring that is alleged to have used congressional employes to distribute drugs on Capitol Hill.

A law enforcement official familiar with the case said yesterday that the grand jury is not investigating any congressman, but instead is concentrating on the alleged leaders of the drug-distributing ring.

As for alleged congressional users, the official said, "We only have the baldest, unsubstantiated allegations."

Dornan's statement backed the view of some investigators in the case who have been attempting to get prosecutors to focus on congressmen who allegedly bought cocaine as well as the activities of the members of the distribution ring.

"Congressional users are consequential," Dornan said, because they are the ones who pass the laws that determine the legal status of drugs such as cocaine.

"It would be shocking," Dornan said, "if this part of the investigation is swept under the rug."

But the official familiar with the grand jury inquiry said yesterday, "Right now the effort is to bust the pushers. That's the way traditional law enforcement works. The next level is who sold to (the pushers)." Federal investigators normally go after major distributors, not users, he said.

"There is a really serious policy question as to whether you go after people in Congress, just because they are in Congress," the official said. "Should they be subjected to different standards than the rest of the citizenry?"

-- MORE --

That question has not yet been answered largely because the investigation is concentrating on the cocaine distribution ring, the law enforcement official said.

The cocaine investigation is separate from other probes being conducted by the Justice Department and the House ethics committee into allegations that some congressmen solicited and had sex with teen-age pages in return for possible promotions and job transfers.

In another development in the cocaine investigation, Capitol Police Chief James Powell said yesterday that a grand jury subpoena issued last week for his department's records concerning narcotics use on the Hill had been withdrawn at his request.

Powell instead has agreed to supply the prosecutors with whatever information they want from the Capitol Police files, he said.

"The U.S. attorney's office is welcome to any files we have," Powell said. "We would rather willingly cooperate."

Dornan's involvement with the undercover D.C. police officer began in March 1981, after a member of columnist Jack Anderson's staff gave the police information about the alleged cocaine ring, according to Anderson and Dornan.

When police suggested the need for the cover of a congressional staff position to help penetrate the ring, Anderson said, he suggested Dornan. The columnist and the congressman had worked together before on a story involving alleged campaign financing irregularities in California.

The undercover policeman was permitted to use Dornan's office as his alleged place of employment and two members of Dornan's staff were told they were to confirm his position, if any calls came in asking about him. According to Dornan, only two such calls were received.

Dornan said neither the Capitol Police nor his congressional colleagues were informed of the operation.

Two law enforcement officials familiar with the investigation said yesterday that the activities of the undercover officer posing as a Dornan aide were separate from another investigation that led to the arrest of three alleged members of the ring.

A joint task force of federal and D.C. police investigators made the arrests in April after an undercover agent purchased eight ounces of cocaine for $15,000, according to a police arrest affidavit.

One of those arrested, Robert A. Finkel, 30, began cooperating with authorities and claimed that the ring's customers included some congressmen and their aides.

Arrested with Finkel were Troy M. Todd Jr., 22, and Douglas W. Marshall, 26, a former Capitol Hill employe who police alleged sold the cocaine to the agent.

All charges against the three men have been dropped. The matter is now being presented to the grand jury.

ROBERT K. DORNAN
[illegible] District, California

FOREIGN AFFAIRS

[illegible]
TASK FORCE ON AMERICAN [illegible]
AND MISSING IN SOUTHEAST ASIA

ASIAN AND PACIFIC AFFAIRS
[illegible]

AFRICA

INTER-AMERICAN AFFAIRS
(CANADA-MEXICO-CENTRAL AMERICA
THE CARIBBEAN-SOUTH AMERICA)

SELECT COMMITTEE ON AGING

SELECT COMMITTEE ON
NARCOTICS ABUSE
AND CONTROL

TASK FORCE ON MILITARY DRUG ABUSE

REPUBLICAN TASK FORCE ON
DEFENSE

Congress of the United States
House of Representatives
Washington, D.C. 20515

Washington Office
[illegible] Cannon House Office Building
Washington, D.C. 20515
(202) [illegible]

District Offices
[illegible] West Century Boulevard
Suite [illegible]
Los Angeles, California [illegible]
(213) [illegible]

[illegible] Via El Prado
Suite [illegible]
Redondo Beach, California [illegible]
(213) [illegible]

APPENDIX "V"

July 7, 1982

PERSONAL & CONFIDENTIAL

Honorable Leo C. Zeferetti
Chairman, Select Committee on
  Narcotics Abuse and Control
2436 Rayburn House Building
Washington, D.C. 20515

Dear Mr. Chairman:

Serious allegations involving the sale and use of controlled substances by Members of Congress and Congressional staff have come to my attention as a result of an official investigation the D.C. Metropolitan Police Department and the Drug Enforcement Agency. Due to the seriousness of the allegations and the role of the Narcotics Committee, I feel it to be essential that our Committee conduct oversight hearings into these allegations.

I have been briefed on a confidential basis by investigators close to this case. I was originally approached to participate in this investigation by two staff reporters, Mr. Jack Mitchell and Mr. Indy Badhwar from the office of syndicated columnist Jack Anderson in March of 1981. They had access to informants and investigators involved in this inquiry.

To stress the the far-reaching consequences of this investigation I would like to summarize the progress of the probe to this point. I was asked to cooperate with an investigation into the alleged use of cocaine by a number of Congressional employees. I agreed, and on April 19, 1982, after a 12-month investigation, Washington residents Douglas Marshall, Troy Todd and Robert Finkel were arrested, and a large quantity of high-quality cocaine was seized by the police. From a series of interviews following this arrest it became apparent that Hill employees and possibly Members of Congress were involved in the illegal distribution and use of narcotics.

I feel there is every reason to continue this investigation regardless of the fact that Members of Congress might be involved. It would be the height of hypocrisy if we were to stand back from this volatile issue because of the potential political overtones. However, the prosecutors from the Major Crimes Branch, U.S. District Court of the Department of Justice apparently feel otherwise, according to the briefing given to me. They have indicated that it is their policy not to prosecute users. This baffles me. The Washington police are actively involved in arresting purchasers of lesser controlled substances on the streets of Washington, D.C. and these cases are prosecuted.

The intelligence gathered through the time period leading up to the three arrests of the D.C. cocaine distributors have uncovered names of nine Members of Congress (each named by at least three sources) and at least half a dozen others have surfaced. The nine Members listed by investigative sources number three Congressmen from California, one Congressman from New York, one Congressman from Massachusetts, one Congressman from a state in D.C. metropolitan area, one Senator and two former Congressmen. As of this writing a number of Congressional employees have been subpoenaed in conjunction with this investigation.

Additionally, I have been told that the names of two Members of Congress mentioned above have been brought up in connection with an FBI investigation concerning alleged homosexual activities with Congressional pages.

I have been informed that the Capitol Hill police have conducted an investigation on drug/sexual activities on Capitol Hill. I called Chief of Police James M. Powell last week and asked about the evidence which might have been uncovered. I would strongly suggest that we use a Congressional subpoena demanding all the evidentiary material that his offices have collected for use in our hearings.

Mr. Chairman, it is unfortunate that we have this type of activity taking place anywhere in the United States. But it is unconscionable that Members of the United States Congress, entrusted to enact the laws of our nation, flagrantly abuse them and then, not be held accountable for their actions. We must abide by a higher law than the average citizen and I feel the Select Committee on Narcotics Abuse and Control should make every effort to see a full and proper accounting is made.

Sincerely,

Bob Dornan
ROBERT K. DORNAN
MEMBER OF CONGRESS

RKD/bh
cc: Honorable Thomas Railsback
Ranking Minority Member
Select Committee on Narcotics Abuse and Control

upi 07-07-82 10:11 aed JACK ANDERSON EXCERPTS FROM ABC "GOOD MORNING,AMERICA
19 -07-82 02:37 ped Wednesday, July 7, 1982

EDITORS: The following special release is in addition to your regular Anderson columns.

APPENDIX "W"

For Immediate Release (Distributed 7-7-82)
UNITED Feature Syndicate
JACK ANDERSON
SPECIAL RELEASE
Pressure mount to drop
probe of Hill cocaine ring
By JACK ANDERSON

WASHINGTON _ More than 15 members of Congress were customers of a cocaine ring that operated on Capitol Hill, the ringleaders have told narcotics agents. Nine of the accused legislators have been identified by at least three drug peddlers.

Witnesses have given testimony before a federal grand jury, but the prosecutors are under political pressure to drop the investigation. Their excuse is that the Justice Department has a policy of prosecuting pushers but not users.

Informants told my staff of the illegal drug operation 15 months ago. They said it was run by congressional aides under the noses of the men and women who had passed the drug laws. Narcotics had been delivered directly to congressional offices, they alleged.

But proof was needed. My staff put the informants together with undercover investigators. Then we arranged with Rep. Robert Dornan, R-Calif., a member of the House Narcotics Committee, to provide a cover for the agents.

They succeeded in penetrating the congressional narcotics ring. A year later, they raided the home of a Washington attorney and arrested three ringleaders. They also seized a stash of cocaine worth at least $250,000.

Under intensive interrogation, the pushers (one a former page) began spilling names. Their information has been scrutinized and presented to a federal grand jury.

Meanwhile, a preliminary report on the investigation, stamped "Personal and Confidential," has been submitted by Dornan to the Narcotics Committee. "I was originally approached to participate in this investigation," the letter states, "by two staff reporters, Mr. Jack Mitchell and Mr. Indy Badhwar from the office of syndicated columnist Jack Anderson in March of 1981. They had access to informants and investigators involved in this inquiry.

"To stress the far-reaching consequences of this investigation," Dornan's letter continues, "I would like to summarize the progress of the probe to this point. I was asked to cooperate with an investigation into the alleged use of cocaine by a number of congressional employees. I agreed, and on April 19, 1982, after a 12-month investigation, Washington residents Douglas Marshall, Troy Todd and Robert Finkel were arrested, and a large quantity of high-quality cocaine was seized by the police.

"From a series of interviews following this arrest, it became apparent that Hill employees and possibly Members of Congress were involved in the illegal distribution and use of narcotics. I feel there is every reason to continue this investigation regardless of the fact that Members of Congress might be involved.

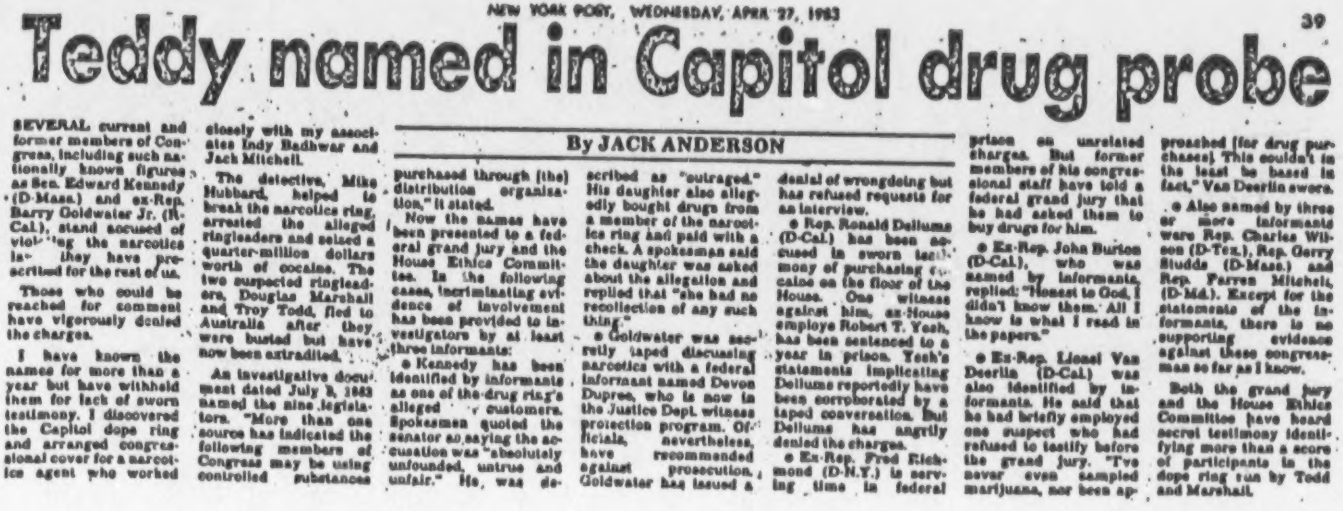
"It would be the height of hypocrisy," declares Dornan, "if we were to stand back from this volatile issue because of the potential political overtones. However, the prosecutors from the Major Crimes Branch, U.S. District Court of the Department of Justice, apparently feel otherwise, according to the briefing given to me. They have indicated that it is their policy not to prosecute users. This baffles me ..."

The confidential letter lists nine members of Congress _ "each named by at least three sources" _ and reports "at least half a dozen others have surfaced." Of the nine, three are from California, one from New York, one from Massachusetts, and one from Maryland. Two are former congressmen; only one is a senator.

Two of the congressmen identified as cocaine customers, Dornan reports, are also implicated in "an FBI investigation concerning alleged homosexual activities with congressional pages."

The letter calls for congressional hearings, with use of subpoenas to get any "evidentiary material" that might be held back. Copyright, 1982, by United Feature Syndicate, Inc. END-MGSPECIAL-7-7-82

APPENDIX "X"



Teddy named in Capitol drug probe

By JACK ANDERSON

SEVERAL current and former members of Congress, including such nationally known figures as Sen. Edward Kennedy (D-Mass.) and ex-Rep. Barry Goldwater Jr. (R-Cal.), stand accused of violating the narcotics laws they have prescribed for the rest of us.

Those who could be reached for comment have vigorously denied the charges.

I have known the names for more than a year but have withheld them for lack of sworn testimony. I discovered the Capitol dope ring and arranged congressional cover for a narcotics agent who worked closely with my associates Indy Badhwar and Jack Mitchell.

The detective, Mike Hubbard, helped to break the narcotics ring, arrested the alleged ringleaders and seized a quarter-million dollars worth of cocaine. The two suspected ringleaders, Douglas Marshall and Troy Todd, fled to Australia after they were busted but have now been extradited.

An investigative document dated July 3, 1982 named the nine legislators. "More than one source has indicated the following members of Congress may be using controlled substances purchased through [the] distribution organization," it stated.

Now the names have been presented to a federal grand jury and the House Ethics Committee. In the following cases, incriminating evidence of involvement has been provided to investigators by at least three informants:

- Kennedy has been identified by informants as one of the drug ring's alleged customers. Spokesmen quoted the senator as saying the accusation was "absolutely unfounded, untrue and unfair." He was described as "outraged." His daughter also allegedly bought drugs from a member of the narcotics ring and paid with a check. A spokesman said the daughter was asked about the allegation and replied that "she had no recollection of any such thing."

- Goldwater was secretly taped discussing narcotics with a federal informant named Devon Dupree, who is now in the Justice Dept. witness protection program. Officials, nevertheless, have recommended against prosecution. Goldwater has issued a denial of wrongdoing but has refused requests for an interview.

- Rep. Ronald Dellums (D-Cal.) has been accused in sworn testimony of purchasing cocaine on the floor of the House. One witness against him, ex-House employe Robert T. Yesh, has been sentenced to a year in prison. Yesh's statements implicating Dellums reportedly have been corroborated by a taped conversation. But Dellums has angrily denied the charges.

- Ex-Rep. Fred Richmond (D-N.Y.) is serving time in federal prison on unrelated charges. But former members of his congressional staff have told a federal grand jury that he had asked them to buy drugs for him.

- Ex-Rep. John Burton (D-Cal.), who was named by informants, replied: "Honest to God, I didn't know them. All I know is what I read in the papers."

- Ex-Rep. Lionel Van Deerlin (D-Cal.) was also identified by informants. He said that he had briefly employed one suspect who had refused to testify before the grand jury. "I've never even sampled marijuana, nor been approached [for drug purchases]. This couldn't in the least be based in fact," Van Deerlin swore.

- Also named by three or more informants were Rep. Charles Wilson (D-Tex.), Rep. Gerry Studds (D-Mass.) and Rep. Parren Mitchell, (D-Md.). Except for the statements of the informants, there is no supporting evidence against these congressman so far as I know.

Both the grand jury and the House Ethics Committee have heard secret testimony identifying more than a score of participants in the dope ring run by Todd and Marshall.

APPENDIX Y

Proprietary to the United Press International 1983

January 11, 1983, Tuesday, AM cycle

SECTION: Washington News

LENGTH: 391 words

HEADLINE: Informant says he testified on homosexual ring

BYLINE: By PATRICIA KOZA

DATELINE: WASHINGTON

KEYWORD: Congressex

BODY:

An informant said Tuesday he gave secret testimony to an investigator for the House ethics committee about an alleged homosexual ring involving Capitol Hill aides.

Proprietary to the United Press International, January 11, 1983

The witness, who asked not to be identified, told United Press International he testified secretly Monday to an investigator from the staff of special counsel Joseph Califano.

He said no members of Congress were involved in the alleged ring as far as he knew, but it did involve congressional aides and operated out of the Senate side of the Capitol.

Califano, former secretary of Health, Education and Welfare, was appointed by the House ethics panel last July 13 to head a staff of about 20 people to investigate charges of homosexuality and drug use on Capitol Hill.

The committee announced in December it found no evidence of narcotics or homosexual activity among members of Congress, but said two investigations were continuing. One was a drug case involving Captitol Hill employees and the other a sex matter.

The account given UPI by the informant paralleled information carried earlier by ''The Deep Backgrounder,'' an investigative publication that deals with homosexual activity in the nation's capital.

Proprietary to the United Press International, January 11, 1983

He said he worked at some homosexual night spots frequented by two congressional aides and they told him of its operation ''out of the Senate side.'' Asked if any members of Congress were involved in the ring, he replied, ''just aides.''

Phil Fox, Califano's associate special counsel, refused to confirm or deny the witness had testified.

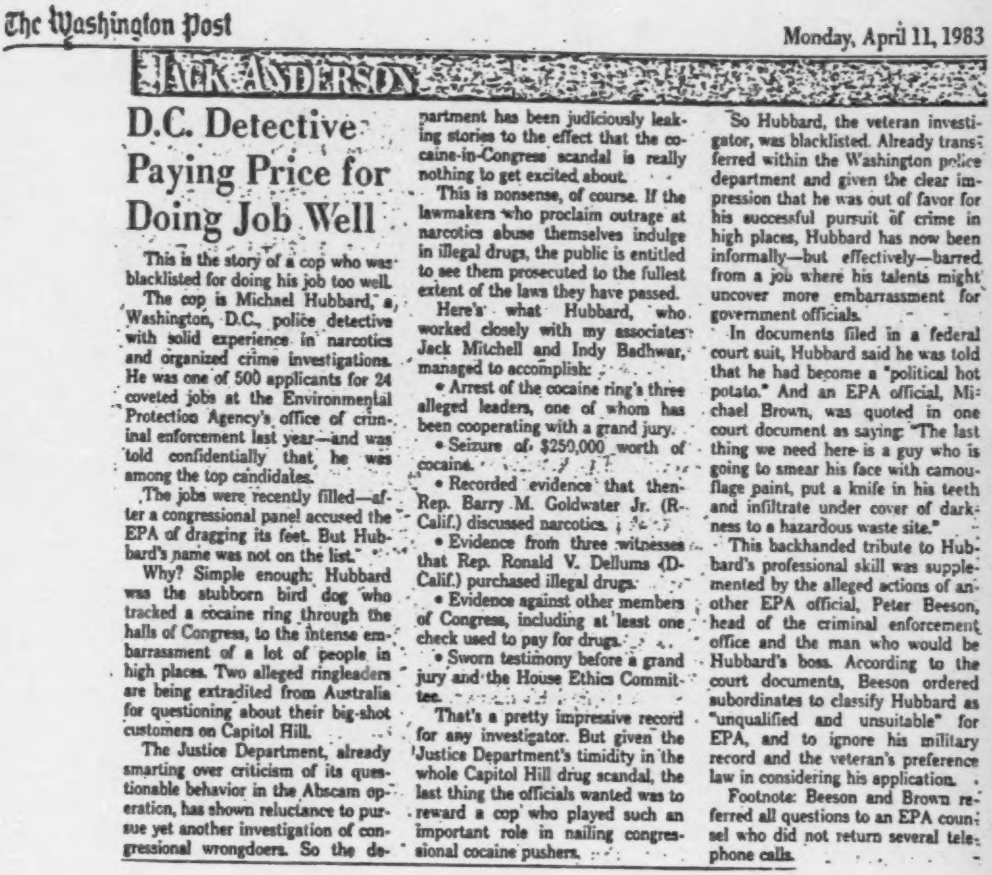
''Nobody is going to talk to you on anything that relates to committee business,'' he said.

NBC reported last week that a federal grand jury had resumed an investigation of alleged drug use on Capitol Hill and heard testimony about cocaine use just off the floor of the House. Justice Department officials confirmed the inquiry still was open and declined further comment.

But Michael Hubbard, a District of Columbia police detective who worked on the case in its initial stages, told UPI last week the Capitol Hill investigation was halted at the very time it should have concentrated on charges congressmen were involved.

Proprietary to the United Press International, January 11, 1983

Hubbard said it could have gone on to involve at least a dozen members of Congress, but prosecutors did not want to press charges against members for simply using small amounts of drugs.



The Washington Post

Monday, April 11, 1983

JACK ANDERSON

D.C. Detective Paying Price for Doing Job Well

This is the story of a cop who was blacklisted for doing his job too well.

The cop is Michael Hubbard, a Washington, D.C., police detective with solid experience in narcotics and organized crime investigations. He was one of 500 applicants for 24 coveted jobs at the Environmental Protection Agency's office of criminal enforcement last year—and was told confidentially that he was among the top candidates.

The jobs were recently filled—after a congressional panel accused the EPA of dragging its feet. But Hubbard's name was not on the list.

Why? Simple enough: Hubbard was the stubborn bird dog who tracked a cocaine ring through the halls of Congress, to the intense embarrassment of a lot of people in high places. Two alleged ringleaders are being extradited from Australia for questioning about their big-shot customers on Capitol Hill.

The Justice Department, already smarting over criticism of its questionable behavior in the Abscam operation, has shown reluctance to pursue yet another investigation of congressional wrongdoers. So the department has been judiciously leaking stories to the effect that the cocaine-in-Congress scandal is really nothing to get excited about.

This is nonsense, of course. If the lawmakers who proclaim outrage at narcotics abuse themselves indulge in illegal drugs, the public is entitled to see them prosecuted to the fullest extent of the laws they have passed.

Here's what Hubbard, who worked closely with my associates Jack Mitchell and Indy Badhwar, managed to accomplish:

- Arrest of the cocaine ring's three alleged leaders, one of whom has been cooperating with a grand jury.
- Seizure of $250,000 worth of cocaine.
- Recorded evidence that then-Rep. Barry M. Goldwater Jr. (R-Calif.) discussed narcotics.
- Evidence from three witnesses that Rep. Ronald V. Dellums (D-Calif.) purchased illegal drugs.
- Evidence against other members of Congress, including at least one check used to pay for drugs.
- Sworn testimony before a grand jury and the House Ethics Committee.

That's a pretty impressive record for any investigator. But given the Justice Department's timidity in the whole Capitol Hill drug scandal, the last thing the officials wanted was to reward a cop who played such an important role in nailing congressional cocaine pushers.

So Hubbard, the veteran investigator, was blacklisted. Already transferred within the Washington police department and given the clear impression that he was out of favor for his successful pursuit of crime in high places, Hubbard has now been informally—but effectively—barred from a job where his talents might uncover more embarrassment for government officials.

In documents filed in a federal court suit, Hubbard said he was told that he had become a "political hot potato." And an EPA official, Michael Brown, was quoted in one court document as saying: "The last thing we need here is a guy who is going to smear his face with camouflage paint, put a knife in his teeth and infiltrate under cover of darkness to a hazardous waste site."

This backhanded tribute to Hubbard's professional skill was supplemented by the alleged actions of another EPA official, Peter Beeson, head of the criminal enforcement office and the man who would be Hubbard's boss. According to the court documents, Beeson ordered subordinates to classify Hubbard as "unqualified and unsuitable" for EPA, and to ignore his military record and the veteran's preference law in considering his application.

Footnote: Beeson and Brown referred all questions to an EPA counsel who did not return several telephone calls.

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

APPENDIX AA

October 19, 1983

David J. Branson, Esq.
White & Case
1747 Pennsylvania Avenue
Washington, D.C. 20006

Dear Mr. Branson:

On July 13, 1982 the House of Representatives adopted House Resolution 518 which authorizes the Committee on Standards of Official Conduct to carry out an investigation of, inter alia, illicit use or distribution of drugs by Members, officers, or employees of the House; and

This investigation was authorized by the House in the 98th Congress in House Resolution 12, on January 3, 1983. The Committee appointed me as Special Counsel to conduct this investigation.

In the course of our investigation, we have reviewed a number of articles written by your client, Jack Anderson which state that Mr. Anderson and his associates, Jack Mitchell and Indy Badhwar, have knowledge relating to the illicit use or distribution of drugs by drugs by Members, officers or employees of the House of Representatives.

For example, on April 11, 1983 Mr. Anderson wrote that his associates obtained evidence from three witnesses that a Member of the House "purchased illegal drugs." On April 27, 1983, Mr. Anderson wrote that with respect to eight Members of the House, "incriminating evidence of involvement [in using and purchasing controlled substances] has been provided to investigators by at least three informants." On July 7, 1982, on "Good Morning America" Mr. Anderson stated that:

> More than 15 Members of Congress were customers of a cocaine ring that operated on Capitol Hill, the ringleaders have told narcotics agents. Nine of the accused legislators have been identified by at least three drug peddlers.

David J. Branson, Esq.
October 19, 1983
Page Two

In addition we have sworn testimony that Mr. Mitchell and Mr. Badhwar provided Detective Michael Hubbard of the Metropolitan Police Department with names of employees and Members of the House who allegedly used or purchased illict drugs.

Since the Committee has charged me with the responsibility to conduct a thorough investigation, Hamilton P. Fox III of my office requested in July that Messrs. Anderson, Mitchell, and Badhwar provide us with any information that they have concerning the illicit use or distribution of drugs by Members, officers or employees of the House. Initially your clients were wiling to cooperate and you indicated to Mr. Fox that the information which they had was not based on confidential sources. A meeting was scheduled between Mr. Fox, Mr. Anderson, Mr. Mitchell, Mr. Badhwar, and yourself. You cancelled the meeting, however, and subsequently notified Mr. Fox that Mr. Mitchell and Mr. Badhwar were not willing to meet and that Mr. Anderson was willing to discuss his knowledge only in a public session of the Committee.

We are aware of the delicacy of the relationship between any government investigation and the press, but I believe it is important that we seek the cooperation of the press where reporters -- as in the case of Messrs. Anderson, Mitchell, and Badhwar -- indicate that they have information relevant to our investigation. I believe that their cooperation with our efforts will be consistent with their responsibilities as members of the press.

Consequently, the Committee is inviting the testimony of Jack Anderson, Jack Mitchell, and Indy Badhwar. Their depositions are scheduled for November 2, 1983 at 9:30 A.M. (Mitchell), 10:30 A.M. (Badhwar), and 11:30 A.M. (Anderson). As with all other depositions the Committee has taken pursuant to the Committee's Rules, the depositions will be taken in executive session to protect against potential damage to individuals which could result from making making public allegations that have not been investigated and verified by the Committee.

Thank you for your assistance in this matter.

Sincerely,

Joseph A. Califano, Jr.
Special Counsel

Enclosures

APPENDIX "BB"

LAW OFFICES
VERNER, LIIPFERT, BERNHARD AND MCPHERSON
CHARTERED
SUITE 1100
1660 L STREET, N.W.
WASHINGTON, D.C. 20036
(202) 452-7400

November 9, 1983
By Hand

WRITER'S DIRECT DIAL NUMBER

452-7444

Joseph A. Califano, Esq.
Special Counsel, and
Hamilton P. Fox III, Esq.
Deputy Special Counsel
Committee on Standards of Official Conduct
United States House of Representatives
Washington, D.C. 20515

Re: Congressman Charles N. Wilson of Texas

Dear Sirs:

On October 6, 1983, Congressman Wilson gave his deposition before the Honorable Nick Rahall for use by you and your staff in investigation and consideration of allegations of use of controlled substances. At the conclusion of the deposition, I requested an opportunity to propose to you and the Committee a suitable method for concluding consideration of those allegations.

As noted at the deposition, we have submitted a detailed memorandum on this matter, which I respectfully incorporate by reference.

As that submission and our presentation at the deposition demonstrate, the allegations were never significant enough to warrant the attention they have been given. If they had not been so broadly reported during the Department of Justice investigation, the most suitable approach would be to close the matter in executive session without comment or report. The wide public dissemination of the allegations and the Justice Department's publication of its referral to the Committee require, however, we believe, a public statement on behalf of the House which puts the matter to rest without further sensation.

Accordingly, we submit the following for your consideration:

Following published reports of illicit drug use in Congress and the Committee's appointment of the Special Counsel, local and national news media reported allegations that a Congressman had used controlled substances in several different cities on different occasions three years ago. Over the next nine months, the Congressman endured a torrent of sensational media reports and speculation. Many of those reports were erroneous, particularly those which stated that he was the prime suspect in an investigation of drugs on Capitol Hill.

After extensive investigation, including interviews with _____ witnesses and examination of many documents, the Special Counsel and his staff have thoroughly considered the allegations against the Congressman; and the Special Counsel's recommendation has been reported to the Committee. The Committee accepts his recommendation.

The allegations against the Congressman originated with a shrewd con-man who was convicted of the federal felony of interstate fraud on the strength of the Congressman's evidence. During the investigation and prosecution of that case, the con-man threatened to make public charges against his swindled victims, including the Congressman. Recognizing that he was the chief witness against him, the con-man also tried to intimidate the Congressman through a friend and then to buy his non-cooperation. When the Congressman flatly refused, the con-man pled guilty and was sent to prison. His allegations surfaced in the media after his release from prison in October 1982.

All of the allegations against the Congressman related to times and places which were wholly removed in substance and circumstance from the offices, business, duties and responsibilities of the Congress. On July 27, 1983, following an extensive investigation over more than nine months, the Department of Justice advised the Committee that it had concluded that there is insufficient credible evidence to warrant further attention to the matter. The Committee has examined the

> materials developed by the Department of Justice, together with additional information and materials developed by the Special Counsel, and it concurs in the Department's view of the evidence.
>
> Considering all of these factors, it is clear to the Committee that the Congressman has not behaved in any manner which would reflect adversely on the House of Representatives, nor has he otherwise breached any of the House Rules of Official Conduct. Accordingly, the Committee has directed that the matter be closed.

As I have indicated to Mr. Fox, I would appreciate discussing with you any recommendations which you may consider for the Committee with respect to the substantive conclusion of this matter and the Committee's public treatment of it. I am available at your convenience.

Very truly yours,

Stuart Pierson

Stuart F. Pierson
Counsel for
Charles N. Wilson of Texas

APPENDIX "CC"

LAW OFFICES
TIGAR & BUFFONE
A PROFESSIONAL CORPORATION

MICHAEL E. TIGAR
SAMUEL J. BUFFONE
JOHN J. PRIVITERA
AMANDA G. BIRRELL

1302 18TH STREET, N. W.
SUITE 801
WASHINGTON, D. C. 20036
(202) 785-8900

OF COUNSEL
JOHN MAGE

April 5, 1983

Honorable Louis Stokes
Chairman, Committee on Standards
of Official Conduct
2360 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Stokes:

We represent Representative Ronald Dellums in regard to the preliminary inquiry being conducted by the staff of your committee. Although aware of our right under the Committee's Rules of Procedure to submit ". . . a statement respecting the allegations with respect to which the inquiry is being held" (Rule 11(2)(A)), this letter is not such a "statement" beyond Representative Dellum's unequivocal denial of the vague allegations. We shall submit a fuller statement addressing these allegations when the Committee and its staff have responded to this letter.

As you know, we have only the most vague and general statement concerning "information . . . provided under oath". We request the following:

1. A copy of all such information, and any notes, memoranda, and transcripts thereof;

2. The precise dates and places at which the alleged events are said to have occurred, and the identities of the persons allegedly present;

3. The extent to which the Committee's "information" is based upon allegations of conduct attributed to Congressman Dellums, but actually done by persons purportedly claiming to act on his behalf;

4. The circumstances under which any informant provided information, to the extent that such circumstances may indicate a motive to falsify; and

5. Any information in the possession of the Committee or its staff concerning use by any informant of mind-altering substances such as alcohol and narcotics.

When we have had an opportunity to review these materials, we would request a meeting with the Committee staff, and if necessary with the Committee, to discuss ways in which we may confront and counter the specifics thus provided.

Obviously, we make this request with substantial support in the rules and prior procedures of the Committee. The Committee says it has "information . . . under oath". Under such circumstances, Rule 10 of the Committee Rules of Procedure seems to require that the Committee proceed by evaluating such information to determine whether it meets the legal sufficiency requirements of a "complaint". If such standards are met, Subsection a(3) of Rule 10 envisions that the complaint shall be available for inspection by the Member.

We do not believe that the procedural protections of Rule 10 can be evaded by denominating information received "under oath" as mere "evidence" within the meaning of Rule 13, thereby denying to the Member specific information concerning allegations of misconduct.

The need for specificity is especially great in this case because these unsubstantiated and false charges have been leaked to the press in clear violation of someone's duty, and have commanded national attention. If Representative Dellums is to have the fair opportunity guaranteed under Rule 11(a) to confront these charges in the preliminary inquiry, he must have the information he seeks.

The staff may contend that since the Committee Rules give an accused Member rights to a bill of particulars (Rule 12(a)(4)), to inspect tangible evidence (Rule 18), and to inspect exculpatory information (Rule 19) at stages subsequent to a "preliminary inquiry," therefore Representative Dellums has no such rights at this juncture. No provision of Rule 11 denies a target of such allegations such rights during a "preliminary inquiry".

Three years ago, the Committee conducted an inquiry concerning voting, the detailed records of which are probably still under seal but are available to the Committee. This firm represented a Member at that time. We were informed of the precise dates on which conduct was said to have occurred, were given the details of the Committee's investigation and the allegations growing out of it, and were finally permitted the opportunity to confront and cross-examine the "accuser" in an executive session. That session ended with a clear demonstration that the allegations were baseless; the entire procedure was accomplished without serious harm to the interests of the Member and with scrupulous regard to the Committee's proper performance of its functions.

We have a special need for the information we seek because the Department of Justice has refused to disclose details of its investigation.

We trust that the Committee's staff will quickly provide us with the information we seek. If the staff is reluctant, we urgently request the right to put our request to the Committee, to argue it in executive session, and to have the Committee vote.

We have a second concern.

The resolution recites certain charges, albeit vaguely. On talking with attorneys who have represented some among our client's staff, it is apparent that the investigation is ranging far afield from the charges with which we have been furnished and beyond the Committee's lawful powers. We are informed that Committee staff, in initiating this investigation, have interrogated numerous House employees as to their (and our client's) personal and social lives. We find no support in the Rules of the Committee or the House for the proposition that an inquiry under Rule 11(a) or Rule 13 of the Committee's Rules of Procedure may be a basis for subjecting a Member (or staff) to a limitless inquisition into the whole sphere of private, family and social life. Good reason is immediately evident why this cannot be the case, especially in the matter of a complaint based on information from the Executive. A Member politically disfavored by the Executive could thus be targeted through criminal charges in the Committee, publicly assaulted with leaked allegations (whether leaked from the Executive branch or from the Committee Staff), and then immobilized by an onslaught of teams of investigators eagerly concerning themselves with every detail of the Member's (or staff's) private life. Further leaks of potentially damaging gossip could then be culled from any such dragnet investigation. A political offensive against a Member could thus be carried out through the staff of a Committee of the House. We suggest that the above applies to the instant case. We further suggest that such abuse is not merely an excess of discretion unwisely left to the staff, but is wholly outside the Committee's authority.

The scope of the Committee's jurisdiction is to be found in clause 4(e)(1) of Rule X of the Rules of the House of Representatives, pursuant to which the Committee has authority "to investigate any alleged violation, by a Member, officer or employee of the House of Representatives, of the Code of Official Conduct or of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities. . . ." Compare Russell v. United States, 369 U.S. 749 (1962); Watkins v. United States, 354 U.S. 178 (1957). Bluntly, the Committee staff has no authority to investigate possible crimes by "Member, officer, or employee" outside "the performance of his duties or the discharge of his responsibilities." Allegations have been made. The staff has been directed to investigate those allegations. Instead, its investigation has probed into every corner of a Member's (and his staff's) private life. The Committee's rules governing the "preliminary inquiry" state: 11(a)(1) ". . .the Committee shall conduct a preliminary inquiry to determine whether such violation occurred." The charges furnished to us set the boundaries, for the staff's investigation; we believe these boundaries should be respected and request a meeting to discuss this matter.

We thank you for your attention to this letter.

Respectfully,

Michael E. Tigar

MET/cnw

cc: Joseph A. Califano, Jr.

APPENDIX "DD"

LAW OFFICES OF
MICHAEL KENNEDY
A PROFESSIONAL CORPORATION
148 EAST 78TH STREET
NEW YORK CITY 10021
(212) REGENT 7-0400

2424 PINE STREET
SAN FRANCISCO 94115
(415) 673-1015

JOSEPH CALLUORI

THOMAS STEEL

April 5, 1983

Honorable Louis Stokes
Chairman, Committee on Standards
of Official Conduct
2360 Rayburn House Office Building
Washington, D. C. 20515

Dear Chairman Stokes:

We represent John Apperson in connection with the preliminary inquiry being conducted by the staff of your Committee. We are aware of Mr. Apperson's right to submit a statement respecting the allegations which are the subject of the Committee's inquiry. (Rule 11(2)(A)) Mr. Apperson denies the vague and equivocal allegations brought against him but expressly reserves the right to submit a comprehensive response, after it is shown that this Committee has jurisdiction over Mr. Apperson and after he has been provided with a statement of the charges which is sufficiently specific to preserve his constitutional right to due process of law. For the reasons set forth below, we respectfully submit that this Committee should address the critical issues of jurisdiction and the vagueness of the complaint before requiring Mr. Apperson to respond formally to the allegations against him.

A. Jurisdictional and Investigative Abuses.

Scrupulous observance of the rules setting out this Committee's jurisdiction is the only effective safeguard against the terrible abuses which might be wrought through a misuse of the Committee's investigative powers. Thus, we request, at the earliest feasible date, a meeting with the Committee to discuss the issue of jurisdiction.

Our concern about the Committee's jurisdiction stems from the vagueness of the charges against Mr. Apperson and the actions of some of the Committee's investigators. This Committee has authority "to investigate any alleged violation by a Member, officer or employee of the House of Representatives, of the Code of Official Conduct or of any law, rule, regulation or other standard of conduct applicable to the conduct of his duties or the discharge of his responsibilities ..." Clause 4(e)(1), Rule X of the Rules of the House of Representatives. The investigative authority of the Committee does not, however, extend to possible crimes committed by a Member, officer, or employee outside the performance of his duties or discharge of his responsibilities.

Notwithstanding the vagueness of the statement of the charges against Mr. Apperson, it is readily apparent that the conduct complained of was not committed in the course or performance of Mr. Apperson's duties as an employee of the House. The absence of any factual allegations to the effect that the alleged misconduct by Mr. Apperson occurred in the course of the performance of Mr. Apperson's official duties raises questions not only about this Committee's lack of jurisdiction but also raises the spectre of investigative abuses.

Further evidence confirming potential investigative abuses has been garnered from discussions with counsel for other targets of the Committee's investigation. As Mr. Tigar, counsel for Representative Dellums observes in his letter to this Committee, it is apparent that investigators are ranging far afield from the vague charges contained in the complaint, thereby threatening a limitless inquisition into the whole sphere of the private family and social lives of House Members and employees.

The Committee's Rules, specifically, Rule 10(a)(4)(B), permits the Committee to dismiss a complaint if it fails to state an offense over which the Committee has jurisdiction. We respectfully request a ruling on this issue now before Mr. Apperson's reputation is sullied in the course of an investigation beyond this Committee's jurisdiction.

B. Vagueness and a Meaningful Right to Reply.

As noted above, the vagueness of the allegations in the complaint create serious questions about this Committee's jursidiction. In addition, the vagueness of the charges deprives Mr. Apperson of any meaningful opportunity to confront the charges against him and renders the complaint legally insufficient.

The requirement of a legally sufficient complaint may be found in Rules 9 and 10 of the Committee's Rules. The import of Rules 9(a)(3) and 9(a)(4) is that the complaint must not only state the nature of the alleged violation but state the facts giving rise to the alleged violation. Rule 10 requires the staff of the Committee to review all complaints to ascertain whether such complaints have been drafted in accordance with Rule 9 and empowers the staff to reject any complaints which do not meet the requirements of Rule 9. Rule 10(a)(4)(B), moreover, permits the Committee to reject a complaint on the same grounds, notwithstanding prior favorable review by the staff. Thus, implicit in Rule 10(a)(4)(B) is a right to seek review of the sufficiency of the complaint prior to the initiation of proceedings under Rules 11 and 12. The wisdom of Rule 10(a)(4)(B) is readily apparent for it spares an accused the ignominy of having to answer baseless charges.

A meeting to determine the sufficiency of the complaint is clearly warranted in the instant case. Requiring clarification of the charges against Mr. Apperson may well show these charges to be spurious and spare him the need to respond to them. Furthermore, because false and unsubstantiated charges have been leaked to the press, a definite and specific statement of the charges is necessary to secure Mr. Apperson a fair opportunity to respond to the charges against him.

C. Discovery Requests.

As Mr. Tigar notes, the Rules of the Commmittee do not bar the Committee from furnishing an accused with a bill of particulars and the opportunity to inspect tangible evidence and exculpatory evidence prior to the preliminary investigation stage. Indeed, on a previous occasion involving an inquiry into voting, this Committee provided an individual represented by Mr. Tigar with details of the Committee's investigation and the opportunity to confront and cross-examine his accuser in an executive session. As Mr. Tigar notes in his letter, the results of this arrangement were most salutary, for the investigation ended with a clear demonstration that the allegations were baseless and the entire proceeding was accomplished without harm to the interests of the Member and with scrupulous regard for the Committee's proper performance of its functions.

Accordingly, we respectfully request that the Committee provide us with the following information concerning the charges against Mr. Apperson:

1. With respect to the "information provided under oath" in support of the charges against Mr. Apperson, we respectfully request a copy of all such information, and a copy of all notes, memoranda and transcripts thereof;

2. The precise dates and places at which the alleged events are said to have occurred and the identities of the persons allegedly present;

3. The extent to which the Committee's "information" is based upon allegations of conduct attributed to Mr. Apperson, but actually done by persons purportedly claiming to act on his behalf;

4. The circumstances under which any informant provided information, to the extent that such circumstances may indicate a motive to falsify; and

5. Any information in the possession of the Committee or its staff concerning use by any informant of mind-altering substances such as alcohol and narcotics.

Conclusion

In summary, we respectfully request an opportunity to discuss with the Committee its authority to investigate Mr. Apperson. We also request a more definite statement of the charges against Mr. Apperson as well as the opportunity to review the evidence upon which the charges are based and to confront Mr. Apperson's accusers. We further request that the above-mentioned relief be granted before he is compelled to file a formal response under Rule 11(a)(2)(A). We submit that such relief should be granted to prevent Mr. Apperson and the House of Representatives from being indelibly stained as the result of the airing of spurious and unsubstantiated charges of wrongdoing at a formal hearing.

Yours truly,

Michael Kennedy

MICHAEL KENNEDY, ESQ.
MICHAEL KENNEDY, P.C.
148 East 78th Street
New York, New York 10021
(212) 737-0400
Attorneys for John Apperson

cc: Joseph A. Califano, Jr.

INQ [illegible] AND INVESTIGATION PURSUANT TO H. RES.

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

APPENDIX "EE"

May 19, 1983

Michael E. Tigar, Esq.
Tigar and Buffone
1302 18th Street, N.W.
Suite 601
Washington, D.C. 20036

Dear Mr. Tigar:

By letters of April 5, 1983 and April 14, 1983, you wrote to the Committee on Standards of Official Conduct raising certain issues on behalf of your client, Representative Ronald V. Dellums, who is the respondent in a preliminary inquiry voted by this Committee on March 15, 1983.

Hamilton P. Fox, III, associate special counsel to the Committee, met with you on April 20, 1983 to discuss the issues you had raised. On May 5, 1983 the Committee met in executive session to consider the issues raised in those letters. Then, on May 9, 1983, Representative Dellums wrote to the Committee and asked to appear before the Committee. Pursuant to the provisons of Rule 11 of the Committee's Rules, Representative Dellums appeared before the Committee on May 18, 1983. Both Representative Dellums and you, as counsel to Representative Dellums', made presentations to the Committee.

The purpose of this letter is to respond to the issues you raised in your letters of April 5 and April 14, as further amplified by the presentations made to the Committee at its meeting of May 18, 1983.

At the outset, let us emphasize that the Committee shares Representative Dellums' desire that the investigation of matters identified in the Committee's notice of preliminary inquiry be completed as expeditiously as possible. The Committee's Special Counsel has been -- and remains -- committed to that goal. Of course, achieving this goal depends on whether witnesses cooperate in expediting these matters. For example, three members of Representative Dellum's congressional staff, who were recently deposed, refused to answer certain questions relevant to the Committee's investigation. Procedural delays injected by witnesses could affect our ability to move quickly. Nonetheless, both the Committee and the Special Counsel have made it a high priority to complete our work as promptly as possible.

Representative Dellums and you made three specific requests of the Committee. First, you requested that the Committee furnish you certain discovery. As a purely legal matter and as the notice of preliminary inquiry indicated, the Committee is proceeding under Rules 11 and 13, which set forth the procedures to be followed in inquiries instituted at the Committee's initiative. Neither rule provides for discovery at this stage of the process.

The Committee wants to assure that Representative Dellums has been treated fairly in this matter. But, even if the Committee were free to disregard its rules, discovery at this stage is constrained by several factors. First and most importantly, the investigation is still in its preliminary stages, and the Committee has not completed accumulating information and evidence to which it may prove useful to have you respond. Second, the accuracy of the Committee's final judgment might be seriously questioned if it were learned that the Committee informed the subject of an investigation of its evidence while the investigation was still in its early stages. Third, we have not given the type of discovery you request at this stage of the proceedings to any other persons who are the subjects of preliminary inquiries.

Therefore, the Committee has concluded that your request for discovery is premature at this point and cannot be granted. The Committee would be willing to reconsider your request for discovery later in the proceedings when the Committee has completed further investigative work.

Second, you have raised questions about the scope of the Committee's investigation. The Committee has firmly concluded that neither it nor its Special Counsel is inquiring into matters outside of the Committee's jurisdiction. The Committee's conclusion in this regard rests on the clear language of H.Res. 518, 97th Congress, and H.Res. 12, 98th Congress. In this connection we welcome your assertion at the meeting that, "We are not challenging the Committee's jurisdiction in any manner." (Transcript, P. 15).

But it may help you and Representative Dellums if we clarify our view of our responsibilities at the investigative stage. The Committee seeks to investigate and reach conclusions regarding the specific allegations set out in the notice of preliminary inquiry. In addition, the Committee's investigation requires that we seek all potentially relevant evidence -- as well as all information (hearsay or otherwise) that might lead to relevant evidence. The Committee believes it has a duty to conduct a thorough investigation. Indeed, Mr. Dellums indicated in his statement to the Committee that he sought exoneration. In that case it is clearly in his best interest -- as it would be in the best interest of anyone in a similar position -- as well as the Committee's best interest to have the Committee conduct an exhaustive and meticulous investigation.

The Committee and its staff are sensitive to the concerns of privacy, and the Committee and the Special Counsel have instructed the staff to minimize the inevitable intrusions into private lives. The Committee believes that it must inquire, at least at the investigative stage, about any evidence of crimes that fall within H.Res. 12 and H.Res. 518. Specifically, the Committee intends to inquire about illicit use and distribution of drugs off Capitol Hill, particularly as those inquiries may lead to evidence of use or distribution on Capitol Hill.

Finally, the Committee and its Special Counsel share your concern about unauthorized disclosures to the news media. Throughout our tenure, we have made clear that we would not be party to any Committee inquiries that leaked information. The Committee and the Special Counsel have consistently sought to assure that the Committee's investigative work remained confidential. We are confident that none of the leaks have come from the Committee or from its staff, and the Committee has chosen not to initiate an investigation into the leaks.

Sincerely,

Louis Stokes
Chairman

Floyd Spence

Floyd D. Spence
Ranking Minority Member

NINETY-EIGHTH CONGRESS

LOUIS STOKES, OHIO, CHAIRMAN
NICK JOE RAHALL II, W. VA.
ED JENKINS, GA.
JULIAN C. DIXON, CALIF.
VIC FAZIO, CALIF.
WILLIAM J. COYNE, PA.

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

FLOYD D. SPENCE, S.C.
BARBER B. CONABLE, JR., N.Y.
JOHN T. MYERS, IND.
EDWIN B. FORSYTHE, N.J.
HANK BROWN, COLO.
JAMES V. HANSEN, UTAH

JOHN M. SWANNER, STAFF DIRECTOR
JOSEPH A. CALIFANO, JR.,
SPECIAL COUNSEL

APPENDIX "FF"

September 16, 1983

Michael E. Tigar, Esq.
1302 18th Street, N.W.
Suite 601
Washington, D.C. 20036

Dear Mr. Tigar:

The Committee on Standards of Official Conduct has previously informed your client, Representative Ronald V. Dellums, that his name has come to the Committee's attention in connection with matters being investigated by the Special Counsel's office, pursuant to House Resolution 518 of the 97th Congress and House Resolution 12 of the 98th Congress.

In that connection, Chairman Stokes and Representative Floyd Spence, the Ranking Minority Member, have authorized me to request Representative Ronald V. Dellums' deposition. This deposition would be conducted in executive session. Representative Dellums would have the right to representation by counsel. If your client is willing to be deposed, please contact Hamilton P. Fox, III, Associate Special Counsel, to arrange a mutually convenient date. If he is not willing to be deposed, we would appreciate your informing us of that decision in writing.

Copies of House Resolutions 518 and 12, the Rules of the Committee, and the pertinent portions of the House Rules are enclosed. If you have any questions about this matter or the scheduling arrangements, would you please contact Mr. Fox at (202)225-8891.

Thank you for your cooperation in this matter.

Sincerely,

Joseph A. Califano, Jr.
Special Counsel

Enclosures

NINETY-EIGHTH CONGRESS

LOUIS STOKES, OHIO, CHAIRMAN
NICK JOE RAHALL II, W. VA.
ED JENKINS, GA.
JULIAN C. DIXON, CALIF.
VIC FAZIO, CALIF.
WILLIAM J. COYNE, PA.

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

FLOYD D. SPENCE, S.C.
BARBER B. CONABLE, JR., N.Y.
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HANK BROWN, COLO.
JAMES V. HANSEN, UTAH

JOHN M. SWANNER, STAFF DIRECTOR
JOSEPH A. CALIFANO, JR.,
SPECIAL COUNSEL

APPENDIX "GG"

September 16, 1983

Michael Kennedy, Esq.
148 East 78th Street
New York, New York 10021

Dear Mr. Kennedy:

The Committee on Standards of Official Conduct has previously informed your client, John C. Apperson, that his name has come to the Committee's attention in connection with matters being investigated by the Special Counsel's Office, pursuant to House Resolution 518 of the 97th Congress and House Resolution 12 of the 98th Congress.

In that connection, Chairman Stokes and Representative Floyd Spence, the Ranking Minority Member, have authorized me to request John C. Apperson's depositon. This deposition would be conducted in executive session. Mr. Apperson would have the right to representation by counsel. If your client is willing to be deposed, please contact Hamilton P. Fox, III, Associate Special Counsel, to arrange a mutually convenient date. If he is not willing to be deposed, we would appreciate your informing us of that decision in writing.

Copies of House Resolutions 518 and 12, the Rules of the Committee, and the pertinent portions of the House Rules are enclosed. If you have any questions about this matter or the scheduling arrangements, would you please contact Mr. Fox at (202)225-8891.

Thank you for your cooperation in this matter.

Sincerely,

Joseph A. Califano, Jr.
Special Counsel

Enclosures

APPENDIX "HH"

LAW OFFICES
TIGAR & BUFFONE
A PROFESSIONAL CORPORATION
1302 18TH STREET, N.W.
SUITE 601
WASHINGTON, D.C. 20036
(202) 785-8900

MICHAEL E. TIGAR
SAMUEL J. BUFFONE
JOHN J. PRIVITERA
AMANDA G. BIRRELL

OF COUNSEL
JOHN MACE

October 3, 1983

Joseph A. Califano, Jr., Esq.
Special Counsel
United States House of Representatives
Committee on Standards of Official Conduct
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Califano:

By letter dated September 16, 1983, to Michael Tigar, you requested on behalf of Chairman Stokes and Representative Floyd Spence that my client Representative Ronald V. Dellums appear for a deposition before the Committee. Mr. Dellums is willing to appear for a deposition subject to the following conditions.

Mr. Dellums was notified on March 15, 1983, that a resolution had been passed by the Committee authorizing a preliminary inquiry into the matters set forth in the resolution. In the nearly seven months since the resolution your Committee has conducted a wide-ranging investigation of Mr. Dellums and his congressional staff far beyond the parameters of the resolution. In particular, the Committee has expended a considerable amount of time and resources investigating possible use of marijuana by employees of Representative Dellums wholly unrelated to any official capacity or function.

We have previously raised with you our concerns about this abuse of the Committee's jurisdiction. By letter dated May 19, 1983, Chairman Stokes and Representative Spence responded to these concerns and others articulated in prior communication with the Committee staff. The letter indicated that the Committee viewed its task as investigating and reaching conclusions regarding the specific allegations set out in the notice of preliminary inquiry. A request by Representative Dellums for discovery and additional information regarding the allegations contained in the resolution was denied as premature. It was noted at that point that the investigation was in its preliminary stages and that the request for discovery could be considered at a later point.

Although we were surprised to learn that the investigation was still in its preliminary stages in May we are hopeful that it has now progressed to the point where our discovery request is ripe.

Accordingly, we renew our request for particulars regarding specific allegations contained in the resolution and for discovery as outlined in our previous communication with Committee staff.

In the event that these issues can be resolved, Mr. Dellums is prepared to submit to a deposition limited to the areas of inquiry defined in the resolution authorizing a preliminary inquiry forwarded to him on March 15, 1983.

If you would like to discuss these matters further or arrange for a mutually convenient date for the conduct of the deposition subject to these limitations, please contact the undersigned.

Yours truly,

Sam Buffone

Samuel J. Buffone

SJB:js

[illegible], OHIO, CHAIRMAN
[illegible]
[illegible]
[illegible], CALIF.
[illegible], CALIF.
[illegible], PA.

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12
U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

[illegible]
[illegible]
[illegible]
[illegible]
[illegible], UTAH

[illegible], STAFF DIRECTOR
[illegible]
[illegible]

APPENDIX "II"

October 27, 1983

Samuel Buffone, Esquire
Tigar & Buffone
Law Offices
1302 18th Street, N.W.
Suite 601
Washington, D.C. 20036

Re: Rep. Ronald Dellums

Dear Mr. Buffone:

This letter is to confirm our agreement with respect to the testimony of Rep. Ronald Dellums.

The Special Counsel's office has agreed to seek from the Committee permission to disclose to you the materials which it has accumulated which tend to inculpate your client with respect to the matter specified in the Notice of Preliminary Inquiry. We shall seek this permission at the Committee meeting now scheduled for November 2, 1983. Assuming that the Committee grants us permission to disclose the materials, we will make them available to you promptly. Rep. Dellums has agreed that he will then testify at a deposition about the subject matter of the preliminary inquiry. This deposition will occur at 10:00 A.M. on November 8, 1983.

Very truly yours,

Hamilton P. Fox, III

Hamilton P. Fox, III
Associate Special Counsel

RONALD V. DELLUMS
8th District, California

Chairperson,
COMMITTEE ON THE
DISTRICT OF COLUMBIA

Member,
ARMED SERVICES COMMITTEE

☐ 2136 Rayburn Building
Washington, D.C. 20515
(202) 225-2661

Barbara Lee,
Administrative Assistant

Robert Brauer,
Special Counsel

Congress of the United States
House of Representatives

ANY REPLY TO THIS LETTER
SHOULD BE ADDRESSED TO
OFFICE CHECKED:

☐ 201 13th Street, Suite 105
Oakland, California 94604
(415) 763-0370

☐ 3557 Mt. Diablo Boulevard
Lafayette, California 94549
(415) 283-8125

☐ 2490 Channing Way, Suite 217
Berkeley, California 94704
(415) 548-7767

Donald R. Hopkins
District Administrator

APPENDIX "JJ"

November 10, 1983

Honorable Louis B. Stokes
Chairman
Committee on Standards of
Official Conduct
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Stokes:

On March 15, 1983, I was informed that a resolution had been passed by the Committee authorizing a preliminary inquiry into allegations of the purchase and use of drugs by myself and a member of my staff. On May 18, 1983, I personally appeared before the full Committee and expressed my views regarding the investigation and the Notice of Preliminary Inquiry. At that time I denied before the Committee the allegations which were leveled against me in the Notice of Preliminary Inquiry.

On September 16, 1983, I was notified by Special Counsel to the Committee that you and Representative Floyd Spence had authorized Special Counsel to request my deposition.

On October 3, 1983, my lawyer notified Special Counsel that I would consent to a deposition if the Committee first provided me with discovery of materials that it believed to be inculpatory and if the deposition were limited to the areas specified in the Notice of Preliminary Inquiry. By letter dated October 27, 1983, Special Counsel agreed to these conditions and a preliminary date was set for the deposition.

Honorable Louis B. Stokes
Novembver 10, 1983
Page two

On November 3, 1983, my attorney was provided with access to the Ethics Committee file of materials deemed to be inculpatory.

I have now had an opportunity to review with my attorneys the assertions upon which the Committee is apparently basing its inquiry. Based upon this review I have come to the conclusion that no useful purpose would be served by my deposition.

The facts available to the Committee which have been disclosed to my attorneys and represented as the sole incriminatory facts that the Committee is relying upon do not deserve to be dignified by the formality of a deposition.

I fully and unequivocally deny each and every allegation in the Notice of Preliminary Inquiry and each and every allegation of impropriety contained in the notarized statement of Robert Yesh and the depositions of and disclosed to my counsel. For purposes of clarity and to forestall any assertion that this denial is not complete, I would like to specifically deny each of these allegations. I have carefully read and reviewed the allegations contained in the Notice of Preliminary Inquiry delivered to me on March 15, 1983. I deny each and every allegation contained in paragraphs 1, 2, 3, and 4 of that document.

Regarding the deposition of , I at no time have used or possessed cocaine in the locker room of the Capitol Hill gymnasium. I specifically deny that I used cocaine during the incident described by .

Regarding the deposition of , I at no time have ever used marijuana or any other drug in the presence of any Congressional page. I specifically deny the allegations that I used drugs with or in the presence of

Regarding the six page statement dated March 4, 1983, bearing the signature of Robert Yesh, I deny that during 1979 or 1980 I purchased or received marijuana or cocaine from Mr. Yesh. I deny that I ever had discussions regarding the use of marijuana with Mr. Yesh or that I requested that he provide me with marijauna. I deny the allegations contained at page 2 of Mr. Yesh's statement that he provided me with marijuana in the Cloak Room of the United States House of Representatives and that I paid him thrity-five dollars in return for the marijuana. I deny the remaining allegations at page 2 that Mr. Yesh delivered marijuana to me on one or two other occasions in the House of Representatives Cloak Room or any other location. Indeed, I deny that in 1979 or in 1980 I had any discussions with Mr. Yesh regarding drugs.

I deny the allegation contained at page 3 of the Yesh statement that in 1980 I asked him if there was any cocaine available or discussed cocaine with him at all. I deny that Mr. Yesh delivered any cocaine to me or that I paid him for any cocaine.

I deny the allegations at page 4 of the Yesh statement that I engaged in any other cocaine transactions with Mr. Yesh. I deny that he delivered cocaine to me on the floor of the House of Representatives. I deny the allegations at pages 4 and 5 that I discussed cocaine with Mr. Yesh and arranged to use cocaine with him and Mr. Apperson in my office. I deny that the incident alleged to have occurred in the bathroom of my Congressional office involving Mr. Yesh, Mr. Apperson and myself occurred.

I deny all remaining allegations including the allegation that in 1982 I twice approached Yesh in the Cloak Room and asked for cocaine. I at no time in 1982 or at any other time dicussed cocaine with Mr. Yesh or purchases any cocaine from him.

I believe that these denials should be sufficient for the Committee's purposes. If I have failed to address any other fact that the Committee believes to be inculpatory, please contact my counsel and I will arrange to issue a formal written statement regarding any such allegations to you.

I will not take a great deal of space here to characterize the statements of the witnesses whose testimony and statements I have denied above. Mr. Yesh's various versions are in hopeless confusion and are self-contradictory; his credibility cannot be sustained. Committee counsel has already told my counsel that they have concluded that the   and   statements are unworthy of serious consideration. I concur.

Should the Committee believe that an oral deposition is necessary, please let me know and I will, of course, consider the matter anew. I trust, however, that this matter can now be closed.

Yours truly,

Ronald V. Dellums

Ronald V. Dellums

DISTRICT OF COLUMBIA)
) SS:
CITY OF WASHINGTON)

I have read the foregoing letter and under penalty of perjury state that the contents thereof are true.

Ronald V. Dellums

Subscribed to before me this
10th day of November, 1983.

NOTARY PUBLIC

NINETY-EIGHTH CONGRESS

LOUIS STOKES, OHIO, CHAIRMAN
NICK JOE RAHALL II, W. VA.
ED JENKINS, GA.
JULIAN C. DIXON, CALIF.
VIC FAZIO, CALIF.
WILLIAM J. COYNE, PA.

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

FLOYD D. SPENCE, S.C.
BARBER B. CONABLE, JR., N.Y.
JOHN T. MYERS, IND.
EDWIN B. FORSYTHE, N.J.
HANK BROWN, COLO.
JAMES V. HANSEN, UTAH

JOHN M. SWANNER, STAFF DIRECTOR
JOSEPH A. CALIFANO, JR.,
SPECIAL COUNSEL

APPENDIX "KK"

November 12, 1983

Michael E. Tigar, Esq.
1302 18th Street, N.W.
Suite 601
Washington, D. C. 20036

Dear Mr. Tigar:

This is in response to Representative Ronald Dellums' letter of November 10, 1983 to Chairman Stokes and to your telephone conversation with Mr. Fox, Associate Special Counsel.

In my letter of September 16, on behalf of Chairman Stokes and ranking minority member Spence, I wrote to you offering your client Representative Dellums an opportunity to be deposed in connection with the Committee's investigation. In a letter of October 3, your colleague indicated that Representative Dellums was prepared to be deposed, if we provided certain materials to him. We have provided those materials, and a deposition was scheduled for 10:00 a.m. on November 8, 1983. That date was changed on two subsequent occasions to suit the convenience of Representative Dellums.

Representative Dellums has now elected to proceed by a written letter with an accompanying attestation. In the letter, Representative Dellums indicated that, should the Committee believe an oral deposition is necessary, "please let me know and I will, of course, consider the matter anew."

Whether Representative Dellums testifies at a deposition is entirely his decision. It has been the practice of the Committee, over the years, not to require targets of investigations to testify in depositions. Instead, the Committee has merely offered that opportunity and left the matter up to the individual involved; so Representative Dellums has every right to choose the course he has selected.

Sincerely,

Joseph A. Califano, Jr.

Joseph A. Califano, Jr.

APPENDIX "LL"

LAW OFFICES OF
MICHAEL KENNEDY
A PROFESSIONAL CORPORATION
148 EAST 78TH STREET
NEW YORK CITY 10021
(212) REGENT 7-0400

CALIFORNIA OFFICE
2424 PINE STREET
SAN FRANCISCO 94115
(415) [illegible]

JOSEPH CALLUORI

September 22, 1983

Hamilton P. Fox, III, Esq.
Associate Special Counsel
Committee on Standards of
Official Conduct
United States House of
Representatives
Washington, D. C. 20515

Re: John Apperson

Dear Mr. Fox:

I am in receipt of the Committee's letter dated September 11, 1983. Mr. Apperson will give a deposition to the Committee provided the following conditions are met:

First, Mr. Apperson requests the opportunity to review, prior to his deposition, tape recordings of his conversations with Robert C. Yesh. Mr. Yesh met with Mr. Apperson in person on one occasion and apparently was wearing a concealed microphone. We also suspect that Mr. Yesh probably recorded his telephone calls. Mr. Apperson also requests the opportunity to examine any transcripts or written summaries of these conversations.

Second, Mr. Apperson requests that he be provided with copies of the written summaries of his interview with an agent of the Drug Enforcement Administration.

Third, Mr. Apperson requests that this Committee provide him with either (a) copies of his grand jury testimony or (b) a statement in writing that the Committee has not been permitted to review his grand jury testimony. As we agreed in our telephone conversation yesterday, Rule 6 of the Federal Rules of Criminal Procedure precludes the disclosure of Mr. Apperson's grand jury testimony. However, reports in the news media to the effect that the Justice Department was turning over to the Committee evidence developed in the course of the investigation raises some questions about the Justice Department's willingness to abide by the strictures of Rule 6.

Fourth, Mr. Apperson reserves the right to register appropriate objections during the course of the deposition. While Mr. Apperson is willing to assist the Committee in its investigation, he is not willing to waive either his constitutional rights to privacy and liberty or his rights under the first amendment. We are confident, however, that questions may be framed in a manner which will satisfy the Committee and Mr. Apperson, and we will rely upon the good faith and expertise of the attorneys conducting the deposition to resolve any problems which may arise.

If the Committee finds our requests reasonable, please telephone me, and we will select a date for Mr. Apperson's deposition.

Yours truly,

MICHAEL KENNEDY, P.C.

By: Joseph Calluori
Joseph Calluori

cc: Mr. John Apperson

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

APPENDIX "M"

September 30, 1983

Joseph Calluori, Esquire
Law Offices of Michael Kennedy, P.C.
148 East 78th Street
New York, New York 10021

Dear Mr. Calluori:

I am responding to your letter of September 22, 1983.

First, let me repeat what I explained to you in our telephone conversation last week. The Committee has not received any grand jury transcripts, including the transcript of Mr. John Apperson's testimony, from the Department of Justice. The Department's offer, as reported in the press, to turn over materials did not include grand jury or other privileged materials.

Second, at a meeting on September 29, 1983 the Committee voted to make available for inspection to Mr. Apperson and his attorneys the materials it has received from the Department of Justice which reflect statements made by Mr. Apperson. These materials include all tape recordings of Mr. Apperson and the Drug Enforcement Agency's memorandum of interview with Mr. Apperson. We will make these materials available in our offices for you and Mr. Apperson to review.

Third, I am not quite sure how to take your last point concerning Mr. Apperson's rights to privacy and liberty and his rights under the First Amendment. The Committee has previously expressed its belief that it must inquire into illicit use and distribution of drugs off Capitol Hill in a letter to Representative Ronald Dellums from Chairman Louis Stokes and Representative Floyd Spence which Mr. Joseph Califano conveyed to Mr. Michael Kennedy in a letter last May. You should understand that the Committee views such matters as within its legitimate area of inquiry and would expect Mr. Apperson to respond to questions about them.

I shall telephone you next week to arrange a date for you to review the materials and for Mr. Apperson's deposition.

Very truly yours,

Hamilton P. Fox, III

Hamilton P. Fox III
Associate Special Counsel

Office of Legislative Affairs

APPENDIX "NN"

Office of the Assistant Attorney General

Washington, D.C. 20530

March 24, 1983

Honorable Louis Stokes
Chairman
Committee on Standards of
Official Conduct
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

On March 10, 1983, Drug Enforcement Administration (DEA) Supervisory Special Agents John J. Coleman, Michael J. Campbell and Dale W. Schuitema met with House Ethics Committee Associate Special Counsel Hamilton P. Fox, III, and Chief Investigator Gerald T. McQueen to discuss a mutual exchange of data regarding allegations of drug abuse by employees of the House of Representatives. Accordingly, as a result of this meeting, DEA has agreed to provide a list of those employees (present and former) of the House whose names have surfaced during the course of the DEA Capitol Hill drug investigation. This list, comprising 78 names, is attached hereto for submission to the Committee.

It should be noted that the accompanying list represents both raw and processed data. In some instances, after careful review of the raw data, investigators have been unable to corroborate or otherwise substantiate the basis for continuing a particular inquiry. Also, in several instances, raw data or initial allegations of wrongdoing have been discounted entirely in the light of further evidence. When viewing this list, therefore, it should be understood that alleged individual involvement varies in great degree as does the overall quality of evidence on hand to support any such involvement that might be considered illegal. It is anticipated that after additional review and discussions between the Committee's investigators and DEA, the final list of those employees against whom there will be substantiated findings of wrongdoing will be considerably shortened.

Sincerely,

Robert A. McConnell

Robert A. McConnell
Assistant Attorney General

Attachment

INQUIRY AND INVESTIGATION PURSUANT TO H. RES. 12

U.S. House of Representatives
COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT
Washington, D.C. 20515

APPENDIX "OO"

March 29, 1983

Robert A. McConnell, Esq.
Assistant Attorney General
U.S. Department of Justice
Office of Legislative Affairs
Washington, D.C. 20530

Dear Mr. McConnell:

This is in response to your letter of March 24, 1983 to Chairman Louis Stokes of the Committee on Standards of Official Conduct. Your letter enclosed a list of present and former employees of the House "whose names have surfaced during the course of the DEA Capitol Hill drug investigation."

Your letter states that "the list represents both raw and processed data. In some instances, after careful review of the raw data, investigators have been unable to corroborate or otherwise substantiate the basis for continuing a particular inquiry. Also, in several instances, raw data or initial allegations of wrongdoing have been discounted entirely in the light of further evidence. When viewing this list, therefore, it should be understood that alleged individual involvement varies in great degree as does the overall quality of evidence on hand to support any such involvement that might be considered illegal. It is anticipated that after additional review and discussions between the Committee's investigators and DEA, the final list of those employees against whom there will be substantiated findings of wrongdoing will be considerably shortened."

I am deeply concerned that the list you transmitted contains names of individuals where investigators have been "unable to corroborate or otherwise substantiate the basis for continuing a particular inquiry," as well as the names of individuals where "raw data or initial allegations of wrongdoing have been discounted entirely in the light of further evidence." According to your letter, the list also contains the names of individuals concerning whom you have gathered evidence of improper conduct during the course of your investigation.

Robert A. McConnell, Esq.
March 29, 1983

I believe that there is a serious danger of harming innocent people when the names of individuals against whom you have no evidence are combined in the same list with individuals about whom you do have evidence of wrongdoing. This is particularly true when the list is characterized as "a list of those employees (present and former) of the House whose names have surfaced during the course of the DEA Capitol Hill drug investigation."

Because of these concerns -- which I am sure you share -- I am returning your letter and the list attached to it to you. I have asked Mr. Fox and Mr. McQueen to arrange a meeting with the appropriate DEA investigators in order to obtain any information the Department may have with respect to members, officers or employees of the House who may be involved in activities within the scope of H. Res. 12. I hope that you will carefully review with Messrs. Fox and McQueen whatever information the Department may have that might warrant investigation by this Committee or the Justice Department within the scope of our respective jurisdictions.

Sincerely,

Joseph A. Califano, Jr.
Special Counsel

Enclosure

U.S. Department of Justice
Office of Legislative Affairs

APPENDIX "PP"

Office of the Assistant Attorney General
Washington, D.C. 20530

April 28, 1983

Mr. Joseph A. Califano, Jr.
Special Counsel
Committee on Standards of
  Official Conduct
House of Representatives
Washington, D.C.   20515

Dear Mr. Califano:

This is in response to your letter of March 29, 1983 to me with which you returned a list of present and former employees of the House whose names have surfaced during the course of the DEA Capitol Hill drug investigation.

In your letter you expressed concern that the list of names included those whose alleged individual involvement varied in great degree and that, in some instances, allegations of wrongdoing had been discounted entirely and inquiries discontinued.

The list in question was provided as a result of a meeting on March 10, 1983 between investigators of the Drug Enforcement Administration and your counsel, Hamilton P. Fox, III and your chief investigator, Gerald T. McQueen. As you will recall, such a meeting was deemed desirable when you and Mr. Fox met with representatives of the Department of Justice at DEA headquarters on March 4, 1983. At the March 10 meeting, it was agreed that DEA would produce exactly what was forwarded with my letter of March 24, 1983, namely, a list of current and former House employees whose names had surfaced in the DEA investigation of drug abuse on Capitol Hill. It was further agreed that the list would be used to compare the names with data in the files of the Committee and in those cases where names matched those in the Committee's files, arrangments would be made for a more complete exchange of data.

The identical concerns which you raised in your letter were discussed by the participants in the March 10 meeting and it was agreed by both sides that the list provided by DEA would be all-inclusive. This procedure was deemed necessary to determine if your files contained any corroborating information on individuals which was not available to DEA. It is a common practice in conducting joint investigations to compare "raw" data in this manner to determine if a second source (or another investigative agency) is possessed of information which could corroborate an allegation which otherwise might be considered unfounded or unsubstantiated. By use of this procedure, it was decided that in the absence of any corroborating information in the Committee's files, many persons whose names had been raised in the DEA investigation could be eliminated from any further examination. Due to the importance of the investigation, it was deemed necessary by all representatives at the March 10 meeting -- yours as well as ours -- that there was a need to adequately resolve every reported allegation of wrongdoing. As you stated on December 14, 1982, "Every allegation put forward has been and will be pursued to the point where we conclude that there is no basis for it in fact . . . ."

You may be assured that we share your concern for conducting a meticulous and thorough investigation. We also share your desire that such an investigation be conducted in strict confidence so as to protect the privacy and rights of all concerned parties.

It was for this reason that both sets of representatives at the March 10 meeting agreed that the DEA list of names would be handled on a highly confidential basis and consistent with our written agreement of October 15, 1982. In accordance with these security procedures, DEA produced only two copies of the list, one of which was hand-carried to Mr. Fox and the second remained in a DEA safe.

Pursuant to the suggestion contained in your letter, DEA has prepared a list of those current and former House employees whose activities as determined by DEA's investigators might warrant examination by your Committee. Not included are the names of persons whose employment, current or former, by the House could not be confirmed on the basis of information which is presently available to DEA. Based on the concerns expressed in your letter of March 29, the list also omits the names of those persons against whom there were allegations for which there is little or no corroboration in the DEA files.

By furnishing this information to the Committee as well as by furnishing any supportive documentation or evidence which might be delivered later, the Department of Justice does not relinquish its option or authority to proceed judicially against anyone whose behavior may have violated federal law. The Department's position is and shall be that any action taken by the Committee on the basis of DEA's information will be taken independently and will not be considered nor construed to have been taken in lieu of judicial prosecution.

We are prepared to furnish you the revised list immediately and we can do so either directly upon request or at a mutually convenient meeting. Further, we welcome the opportunity to discuss other arrangements concerning the names on the revised list.

Sincerely,

Robert A. McConnell

Robert A. McConnell
Assistant Attorney General